



INSPECTOR GENERAL
DEPARTMENT OF DEFENSE
4800 MARK CENTER DRIVE
ALEXANDRIA, VIRGINIA 22350-1500

NOV 20 2013

MEMORANDUM FOR PRINCIPAL DEPUTY INSPECTOR GENERAL

SUBJECT: Results of Internal Review of Unauthorized Release of Official Information

In a memorandum dated June 21, 2013, you directed the Office of Professional Responsibility (OPR) to perform an internal review into the circumstances surrounding the unauthorized release of a pre-decisional draft DoDIG report. Enclosed is a report detailing the results of our review. If you have any questions, please contact me at 703-699-6996, (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Assistant Inspector General
for Office of Professional Responsibility

Attachments:
As stated

(b) (6), (b) (7)(C)

O&C Coordination

20 Nov 2013
Date

(b) (6), (b) (7)(C)

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INSPECTOR GENERAL
DEPARTMENT OF DEFENSE
4800 MARK CENTER DRIVE
ALEXANDRIA, VIRGINIA 22350-1500

2013001702-26-JUN-13-OPR (b) (6), (b) (7)(C)

November 20, 2013

UNAUTHORIZED DISCLOSURE OF DRAFT REPORT

RESULTS OF INTERNAL REVIEW: In a memorandum dated June 21, 2013, Lynne Halbrooks, Principal Deputy Inspector General, DoDIG, directed the Office of Professional Responsibility (OPR) to perform an internal review into the circumstances surrounding the unauthorized release of a pre-decisional draft DoDIG report (Attachment 1). The draft, which was produced by the Office of the Deputy Inspector General for Intelligence and Special Program Assessments (ISPA) and focused on information provided to the makers of the film *Zero Dark Thirty* (ZDT), appeared on the website for the Project on Government Oversight (POGO), www.pogo.org. The draft was contained in an article titled, "Unreleased: Probe Finds CIA Honcho Disclosed Top Secret Info to Hollywood," which was published on June 4, 2013 (Attachment 2).

Based on information provided by ISPA, OPR identified the following DoDIG employees as having access to the draft report:

- (b) (6), (b) (7)(C) , Office of Communications and Congressional Liaison (OCCL);
- (b) (6), (b) (7)(C) ISPA;
- (b) (6), (b) (7)(C) OCCL;
- John Crane, former Assistant Inspector General for OCCL;
- (b) (6), (b) (7)(C) , Administrative Investigations (AI);
- Marguerite Garrison, Deputy Inspector General for AI;
- (b) (6), (b) (7)(C) ISPA;
- (b) (6), (b) (7)(C) , ISPA;
- James Ives, Assistant Inspector General for ISPA (Acting) and Investigations;
- (b) (6), (b) (7)(C) OCCL (b) (6), (b) (7)(C)
- (b) (6), (b) (7)(C) , ISPA;
- (b) (6), (b) (7)(C) OCCL;
- (b) (6), (b) (7)(C) ISPA;
- (b) (6), (b) (7)(C) , ISPA;
- (b) (6), (b) (7)(C) , Office of General Counsel (OGC);
- (b) (6), (b) (7)(C) ISPA;
- (b) (6), (b) (7)(C) , OCCL;
- Henry Shelley, OGC;
- (b) (6), (b) (7)(C) AI; and
- (b) (6), (b) (7)(C) , formerly of OCCL, (b) (6), (b) (7)(C)

OPR interviewed each of the aforementioned individuals with the exception of Crane, who is no longer employed by the DoD. All testified that they did not provide the draft report to

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POGO and did not know how POGO received it. With the exception of (b) (6), (b) (7)(C) each testified that they did not transmit the report to anyone outside of the DoDIG except for the purpose of obtaining an ISPA sanctioned classification review. However, according to witness testimony, the version of the report that was sent for a classification review was marked differently than the version that appeared on POGO's website.

(b) (6), (b) (7)(C) **Testimony to OPR**

During an interview with OPR, (b) (6), (b) (7)(C) provided the following testimony. Crane emailed (b) (6), (b) (7)(C) a copy of the draft report, but (b) (6), (b) (7)(C) did not read it. In approximately December 2012, he emailed the draft report to two Congressional staffers: (b) (6), (b) (7)(C) Senate Armed Services Committee; and (b) (6), (b) (7)(C) , Senate Select Committee on Intelligence, after Crane instructed (b) (6), (b) (7)(C) to do so. (b) (6), (b) (7)(C) did not know whether Crane was authorized to release the report. (b) (6), (b) (7)(C) stated, "I left Mr. Crane's discussions with Ms. Halbrooks with him. I didn't pry into that part, yeah." (b) (6), (b) (7)(C) had previously provided two other draft reports to Congress: the "RMA" [Retired Military Analyst] report and the (b) (6), (b) (7)(C) report. Crane instructed (b) (6), (b) (7)(C) to provide the RMA draft report to Congress. Crane and former Deputy Inspector General for Investigations Richard Race instructed (b) (6), (b) (7)(C) to provide the draft (b) (6), (b) (7)(C) report to Congress. Crane did not tell (b) (6), (b) (7)(C) he had discussions with POGO about the draft, but (b) (6), (b) (7)(C) speculated that Crane may have talked to POGO about it because POGO had been helping Crane, and they were interested in ZDT. (b) (6), (b) (7)(C) has not had discussions with anyone from POGO regarding the draft. (b) (6), (b) (7)(C) testified, "And I know of no matter involving ZDT where I think I have seen anything that says that this agency acted incorrectly. So I have no direct observations that (b) (6), (b) (7)(C) or (b) (6), (b) (7)(C) or anybody else acted incorrectly. So I'm very comfortable about what we have done on this project." (b) (6), (b) (7)(C) also had no "indirect observations" of impropriety. A transcript of (b) (6), (b) (7)(C) interview is attached (Attachment 2).

(b) (6), (b) (7)(C) **Testimony to OPR**

During an interview with OPR, (b) (6), (b) (7)(C) provided the following testimony. (b) (6), (b) (7)(C) was involved in (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) which led (b) (6), (b) (7)(C) to believe (b) (6), (b) (7)(C) read the report, (b) (6), (b) (7)(C) along with employees (b) (6), (b) (7)(C) indicated (b) (6), (b) (7)(C) was frustrated with the length of time the approval process of the report was taking. (b) (6), (b) (7)(C) thought (b) (6), (b) (7)(C) recalled (b) (6), (b) (7)(C) stating words to the effect of, " (b) (6), (b) (7)(C) but (b) (6), (b) (7)(C) was not certain. (b) (6), (b) (7)(C) recollection of this statement was accurate. A transcript of (b) (6), (b) (7)(C) interview is attached (Attachment 3).

(b) (6), (b) (7)(C) **Testimony to OPR**

During interviews with OPR, (b) (6), (b) (7)(C) provided the following testimony (Attachment 4). (b) (6), (b) (7)(C) handled some of the congressional affairs responsibilities (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) attended meetings with the Senate staffers, to include (b) (6), (b) (7)(C) who (b) (6), (b) (7)(C) recalled was "very confrontational" during one of the meetings. (b) (6), (b) (7)(C) recalled that (b) (6), (b) (7)(C) sent (b) (6), (b) (7)(C) an email asking (b) (6), (b) (7)(C) to lead a briefing on the report. (b) (6), (b) (7)(C) was upset because (b) (6), (b) (7)(C) had been (b) (6), (b) (7)(C) , and (b) (6), (b) (7)(C) contacted (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) did not understand (b) (6), (b) (7)(C) interest in the matter because (b) (6), (b) (7)(C) was (b) (6), (b) (7)(C) , and it did not pertain to (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) with (b) (6), (b) (7)(C) stated, "I felt like (b) (6), (b) (7)(C) was trying to get involved too much in the Congressional Affairs business, that I didn't think it was part of (b) (6), (b) (7)(C) description. And it would make it confusing in general, like if we're dealing with staffers and the (b) (6), (b) (7)(C) goes out to the staffers. You know, not just on this issue but on other issues." (b) (6), (b) (7)(C) was not aware that (b) (6), (b) (7)(C) provided the draft report to anyone on Capitol Hill.

Ives' Testimony to OPR

During an interview with OPR, Ives testified that he and other DoDIG staff provided briefings to Congressional staff from Congressman Peter King's office, the SASC, and the House Intelligence Committee. Those briefings were "generic" and to his knowledge, the staffers were not given copies of the draft. A transcript of Ives' interview is attached (Attachment 5).

Email Review

OPR requested emails that were sent and received from the DoDIG email accounts of 20 current and former employees of ISPA, OCCL, and OGC who were involved in creating or reviewing the draft report. The employees included (b) (6), (b) (7)(C), Crane, (b) (6), (b) (7)(C) Garrison, (b) (6), (b) (7)(C), Ives, (b) (6), (b) (7)(C), (b) (6), (b) (7)(C), (b) (6), (b) (7)(C), Shelley, (b) (6), (b) (7)(C), and (b) (6), (b) (7)(C). The request, which covered from October 1, 2012 through January 31, 2013, yielded over 33,269 emails, all reviewed by OPR. OPR did not identify a transmission of the draft to anyone outside of the DoDIG – to include transmissions to (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C). On November 13, 2012, the version of the draft report that appeared on the POGO website was transmitted from (b) (6), (b) (7)(C) to (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) subsequently forwarded the same draft to (b) (6), (b) (7)(C) on November 16, 2012. The email chain is attached (Attachment 6). OPR also noted that on December 6, 2012, Crane emailed a later version of the draft to (b) (6), (b) (7)(C) (Attachment 7) and wrote, "FYI Attached is the draft report of phase I of our efforts. Phase I responds to the questions from Chairman King. I made edits last week. I am sure the Intelligence staffs will be interested when it is released. With a SEFDEF memo this is getting close to final." On December 7, 2012, (b) (6), (b) (7)(C) responded to Crane (Attachment 8), "This has to be some of the worse writing I have ever seen; it seems written to obscure . . ." In spite of (b) (6), (b) (7)(C) testimony that (b) (6), (b) (7)(C) emailed the draft to (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) OPR did not identify an email from (b) (6), (b) (7)(C) to the staffers that contained the draft.

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Information Systems Directorate, DoDIG, explained that the DoDIG network backs up the data on the email system (b) (7)(E), (b) (7)(F)

(b) (7)(E), (b) (7)(F)

Comparison of Drafts

OPR compared the version of the draft report that was attached to the November 13, 2012 email from (b) (6), (b) (7)(C) to (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) and the version that was attached to the December 6, 2012 email from Crane to (b) (6), (b) (7)(C) with the version of the draft that appeared on the POGO website. The version attached to the November 13, 2012 email from (b) (6), (b) (7)(C) to (b) (6), (b) (7)(C) and

(b) (6), (b) (7)(C) and the November 16, 2012 email from (b) (6), (b) (7)(C) matched the version published on the POGO website. OPR noted several inconsistencies between the December 6, 2012 version and the version published by POGO. These inconsistencies, which consisted primarily of formatting differences rather than substantive changes, were documented in a DCIS Form 1 maintained in the OPR file for this inquiry.

Conclusion

(1) OPR was unable to make findings on the unauthorized release of the draft report to POGO. (2) With respect to an unauthorized release outside the DoDIG, while OPR's email review did not identify the transmission of the draft report to (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C), (b) (7)(C) testified that he did so at Crane's direction.

Attachments:

1. Memorandum from Halbrooks to AIG-OPR, Subject: "Internal Review of Unauthorized Release of Official Information," dated June 21, 2013.
2. Form 1, "Review of Website," with POGO article and draft report attached.
3. Transcript of (b) (6), (b) (7)(C) interview, dated (b) (6), (b) (7)(C)
4. Transcript of (b) (6), (b) (7)(C) interview, dated (b) (6), (b) (7)(C)
5. Transcript of (b) (6), (b) (7)(C) interview, dated (b) (6), (b) (7)(C)
6. Transcript of Ives interview, dated August 8, 2013.
7. Emails between (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) Subject: "FW: comm package: Inquiry into Release of Department of Defense Information to the Media," dated November 9, 13, and 16, 2012.
8. Email from Crane to (b) (6), (b) (7)(C) Subject: "FW: Digits of King/UBL Report," dated December 6, 2012.
9. Email from (b) (6), (b) (7)(C) Crane, Subject: "RE: Digits of King/UBL Report," dated December 7, 2012.

Prepared By: (b) (6), (b) (7)(C), OPR
DISTR: PDIG

(b) (6), (b) (7)(C)

APPR:

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INSPECTOR GENERAL
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JUN 21 2013

MEMORANDUM FOR ASSISTANT INSPECTOR GENERAL, OFFICE OF
PROFESSIONAL RESPONSIBILITY

SUBJECT: Internal Review of Unauthorized Release of Official Information

On June 4, 2013, the Project on Government Oversight (POGO) published on their website an article entitled, "Unreleased: Probe Finds CIA Honcho Disclosed Top Secret Info to Hollywood." The article alleged wrong-doing in the Office of Inspector General (OIG), Department of Defense. Specifically, the article alleged the "IG Front Office" had improperly controlled the substance and release date of the report. Linked to the POGO article was a pre-decisional working draft of the Intelligence and Special Program Assessments report entitled, "Release of Department of Defense Information to the Media." A copy of the article is enclosed. It is also available on the Internet at: <http://www.pogo.org/our-work/articles/2013/unreleased-probe-finds-cia-disclosed-secret-info.html>.

While the POGO article refers generally to the "IG Front Office" it specifically names me and implies I may have delayed the completion and release of the report. The article has been forwarded to the Integrity Committee, Council of Inspectors General for Integrity and Efficiency for their review of those allegations.

I completely support the right of individuals to appropriately report what they believe to be wrongdoing. Such individuals are critical to the Inspector General's mission and entitled to the full protection the law provides. However, the unauthorized release of a pre-decisional working draft, a document not properly vetted or reviewed, is very problematic. All OIG employees are entrusted with handling sensitive information appropriately. When an unauthorized release occurs, the reputation of the OIG is damaged with subjects, senior departmental leadership, and Congress. Perhaps more importantly is the diminished trust and confidence whistleblowers, witnesses, and the public have in us.

Accordingly, I direct you to perform an internal review into the circumstances surrounding this unauthorized release. Due to the serious nature of this unauthorized release, please complete your review within 90 days.

Lynne M. Halbrooks
Principal Deputy

Attachment: As Stated

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2013001702-26-JUN-13-OPR- (b) (7)(E)

June 27, 2013

UNAUTHORIZED DISCLOSURE OF DRAFT REPORT

REVIEW OF WEBSITE: On June 27, 2013, the Reporting Agent accessed and printed the attached article, "Unreleased: Probe Finds CIA Honcho Disclosed Top Secret Info to Hollywood," from the website www.pogo.org (Attachment). Additionally, the Reporting Agent accessed and printed what is purported by POGO to be a "draft" DoD OIG report from the POGO website (Attachment 2).

Attachment:

1. POGO Article dated June 4, 2013.
2. Draft DoD OIG report.

(b) (6), (b) (7)(C)

Prepared By:

(b) (6), (b) (7)(C)

OPR

APPF

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Unreleased: Probe Finds CIA Honcho Disclosed Top Secret Info to Hollywood

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Topics: Government Accountability, National Security

June 4, 2013 | Adam Zagorin, David S. Hilzenrath

By Adam Zagorin and David Hilzenrath

The Defense Department Inspector General's office has been sitting on a report that former Defense Secretary Leon Panetta disclosed "TOP SECRET" information and other sensitive details two years ago at an event attended by a "Hollywood executive" working on the movie *Zero Dark Thirty*.

In June 2011, when he was director of the Central Intelligence Agency, Panetta discussed the information at a CIA headquarters event honoring participants in the raid that killed Osama bin Laden, according to an unreleased report drafted by the Inspector General's office and obtained by the Project On Government Oversight (POGO).

"During this awards ceremony, Director Panetta specifically recognized the unit that conducted the raid and identified the ground commander by name," the draft report says. "According to the DoD Office of Security Review, the individual's name is protected from public release" under federal law, the report says.



Former Secretary o

"Director Panetta also provided DoD information, identified by relevant Original Classification Authorities as TOP SECRET//SI//REL TO USA, AUS, CAN, GBR, NZL, as well as, SECRET//ACCM," the report says.

Panetta was not interviewed for the report, the document says. POGO's repeated attempts to reach him or a spokesman, his base in California, were unsuccessful.

"The report is not yet completed," said Bridget Ann Serchak, a spokeswoman for the Inspector General's office. "Once our Listserv and in our newsletter as well as on our website."

Plugging Leaks

Disclosures of classified information have taken center stage in Washington recently as the government has ratcheted up actions against leakers, whistleblowers, and journalists. The nation has been struggling to draw the line between truth-telling in the public interest and criminal violations of national security—a debate that runs through the newly opened trial of accused WikiLeaks tipster Bradley Manning, the Justice Department's pursuit of phone and email records of reporters for the Associated Press and Fox News, and the imprisonment of former CIA agent John Kiriakou for divulging the names of fellow officers.

James Comey, widely reported to be President Obama's choice to become FBI director, has set his own tough standard. "[S]ome things can't leak," Comey said in a 2007 video clip broadcast last week on the PBS NewsHour. "The flip side of that is, when they do leak, the government has to do something about it, has to, because we care about the rule of law."

The Inspector General (IG) report obtained by POGO lays out results of an investigation requested almost two years ago by the then-chairman of the House Committee on Homeland Security, Peter T. King (R-NY). In August 2011, he wrote that he was concerned that filmmakers had reportedly received "top level access to the most classified mission in history." The probe was formally initiated in December 2011.

The fact that the IG's office has not released its findings has caused consternation among the office staff, people familiar with the probe told POGO. Within the office, there was a push to make findings public as early as a year ago, sources speaking on condition of anonymity said. Last fall, the office took steps toward releasing some version of the report, including putting it through a Pentagon vetting process and preparing talking points to explain the contents, a person familiar with the investigation said.

Clic

Another person with knowledge of the probe said the draft report obtained by POGO matched a copy that person examined for release. The IG's office had gone so far as to include an undated cover letter addressed to the House committee chair.



Message From a Whistleblower

Appointed by President Obama, Panetta served as CIA director from 2009 to mid-2011 and as Defense secretary from

The unknown fate of the IG report was the subject of a December 2012 email exchange—obtained by POGO—between the IG's office. The congressional aide mentions having heard that someone in the IG's office was "sitting on it until Se any information about it.

The IG employee replies: "That effort . . . has been controlled and manipulated since inception by the IG Front Office." the street, been long time ready to hit the street...but we will see if that happens anytime soon. Highly unusual tight cc on this project."

The employee says the matter reflects broader problems within the IG's office.

"I have grave concerns that the message and findings are now controlled and subject to undue influence across the bc much influence or involvement by outsiders now in developing and issuing oversight reports."

The IG employee invokes whistleblower status.

"I consider this protected communications on alleged wrong-doings within the Government."

Lame Duck Watchdogs

The story of the unreleased investigative report illustrates systemic problems that can undermine the independence c provide a check on executive branch departments and agencies. The Defense Department IG answers not only to

Across various departments, IG posts have gone unfilled for long periods of time, left in the hands of officials servi may be in a weaker position to challenge authority.

As POGO said in testimony to Congress last year, "It is hard to imagine that an Acting IG known for conducting hard level administration officials would be asked by that same administration to serve as IG on a permanent basis."

The Defense Department IG's job has been vacant since December 2011, and the office has been headed on a tempc basis by Lynne M. Halbrooks, who is now the principal deputy inspector general. She has sought support to be named permanent inspector general, a presidential appointment that traditionally involves the approval of the secretary.

Serchak, the IG spokeswoman, said the absence of a permanent inspector general has not affected the office's work.

"Nothing's changed," she said.

In January, representatives of the IG's office told Senate overseers that the Zero Dark Thirty report would not be releas until the office had completed two related reports, POGO has been told.

The IG report also highlights what critics have complained is inconsistent treatment of people who spill government se

"It's like Animal Farm," said one person with knowledge of the investigation. "Some people are more equal than others

In the realm of national security, the government has taken extraordinary steps to plug news leaks, prosecute whistleblowers, and probe news organizations. In contrast, the IG report describes how the Obama Administration thre support behind a Hollywood project depicting one of President Obama's most dramatic triumphs – the nighttime SEAL assault on the compound in Abbottabad, Pakistan where bin Laden – referred to as "UBL" – had been hiding.

After Panetta became secretary of Defense, senior Panetta aides implored a resistant Special Operations Command to assist, according to the draft IG report.

"Secretary Panetta wants the Department to cooperate fully with the makers of the UBL movie," a Pentagon under sec according to the report.

Emailing a senior Pentagon colleague during the summer of 2011, Defense Department spokesman George Little offered Pacino to play [Secretary Panetta]," the report quotes Little as having written. "That's what he wants, no joke!"

Inside The CIA's Big Tent

Zero Dark Thirty debuted in December 2012. At one time, it had been slated for release before last fall's election. The Award winning director of The Hurt Locker, about an Army bomb squad in Iraq, and Mark Boal, screenwriter of The Hu

The IG report recounts that Boal was permitted to attend a June 24, 2011, ceremony at CIA headquarters honoring personnel. The fact that the screenwriter was allowed to attend has been reported previously and has been a subject of controversy. Notably, that Panetta's remarks contained information classified as Secret and Top Secret.

During this awards ceremony, Director Panetta specifically recognized the unit that conducted the raid and identified the ground commander by name. Director Panetta also provided DoD information, identified by relevant Original Classification Authorities as TOP SECRET//SI//REL TO USA, AUS, CAN, GBR, NZL, as well as, SECRET//ACCM. According to the DoD Office of Security Review, the individual's name is protected from public release under 5 U.S.C. Section 552a and 10 U.S.C. Section 130b.

Excerpt from the unreleased draft report.

The "SI" part of the Top Secret term for communications is in classification manual. It is of the Federation of American "REL TO USA, AUS, CAN, released to properly clear Great Britain, and New Ze

The "ACCM" part of the Secret "Alternative Compensatory Department manual. Those access the information, the information can present an

those personnel involved in mission execution," the manual says.

The report notes other indications that what was said at the event should be handled with care. The prepared remarks SECRET//NOFORN"—meaning not releasable to foreign nationals—and a record of the event was made "accessible c

The IG report does not say what Top Secret or Secret information Panetta provided. It rules out a broad category of special techniques, and procedures," known as TTPs. The report's authors concluded that "no classified or sensitive special op

"No Precautionary Measures"

The IG report says special operations personnel were not pleased to discover that an outsider was at the CIA event. A H. McRaven, one of the raid's overseers, was introduced to a person "identified as the maker of the 'Hurt Locker,'" the operators present were all 'universally surprised and shocked' that a Hollywood executive attended this CIA Headquar

"ADM McRaven informed us he was concerned about the possible release of the special operators' identities," the dra

As secrecy surrounding the raid eroded, in part through the appearance of a filmmaker at the CIA event, the military be raid could be targeted for terrorist retaliation. The report notes that McRaven held a meeting with families of special op monitoring" would be provided and "to call security personnel if they sensed anything."

The probe by the Defense Department IG's office did not assess the extent of any compromise to CIA sources and me says.

In the run-up to the event, the prospect of a Hollywood executive attending was a subject of concern within the CIA pul

The report says that a CIA public affairs officer tried to prevent the filmmaker from attending. That information is attributed to contact with the CIA public affairs officer. However, the day of the event, the CIA public affairs officer allegedly relayed 'Chief of Staff' directed that the Hollywood executive be given access to the event."

The report says Panetta's chief of staff at the CIA—Jeremy Bash, who followed him to the Defense Department in the : involved.

Though special operations personnel expected it to be a small event, it was far from that, the report says. "The Director enormous crowd, I mean they built a tent and it was not sensitive, I would say it was not a highly sensitive event. It was per se," the draft report says.

The special operators attended in uniform with their names displayed and were directed to reserved seats in the front members could have been useful leads for anyone trying to gather information about the mission.

"We found no precautionary measures were taken to protect special operators from being identified by the Hollywood"

Panetta: "No Unauthorized Disclosures"

The findings in the draft inspector general's report seem to be at odds with public statements Panetta has made.

Panetta told ABC in May 2012 that "nothing inappropriate" was shared with the filmmakers.

"We'll try to make sure that we give them accurate information so that the historic record is protected. But you know, w anybody," he said on "This Week."

At a June 2012 Senate hearing, based on the controversy that was already raging, Panetta was asked about "this acc bin Laden raid."

He responded forcefully.

"Look, let me first say as a former Director of the CIA, I deplore the unauthorized disclosures of classified information," Panetta said. "I think that this is something that does have to be fully investigated, and it has to be very clear that this is intolerable if we're going to try to protect the defense of this country. We've got to be able to protect those who are involved in clandestine operations."

**"Look, I
the
discl
Panetta
that doe
has to b
we're g**

Panetta gave the impression that the concerns were unfounded.

"I also want to make clear that, you know, no unauthorized disclosures were provided to movie producers or anybody else. What we do have is we do have an office at the Pentagon that almost every day deals with people that want to do something about, you know, either a movie or a book or an article or something related to our defense," he told lawmakers. "And we want to make sure that the information that th regards to the accuracy of that information. But I can assure you, I've asked that question, in this instance, nobody rele

Panetta's alleged disclosures at the CIA event were not the only potential embarrassments for the Pentagon and the C

The document says that Undersecretary of Defense for Intelligence Michael Vickers gave Boal and Bigelow the name "Operator and Commander"—that was protected by law and was "For Official Use Only, not for public release."

But, as with Panetta's alleged mention of the ground commander's name, the federal laws the report cites with respect focused on covert operators. They deal with, among other things, "personally identifying information" about "any memb sensitive unit, or a routinely deployable unit." The "For Official Use Only" label does not mean the information is classifi

The report obtained by POGO paints Panetta's disclosure in more serious terms. It flatly states that, beyond naming th revealed information that was classified.

Santa Delayed

As recently as December 2012, after repeated delays, the IG's office was gearing up to release the Zero Dark Thirty re

In the December email chain with a congressional staff member, the IG employee who had been so critical of the IG's

"Senior leadership met on Friday afternoon. Decided subject report you inquired on should be issued."

"Yes Virginia, there is a Santa Clause [sic]...DODIG does its mission."

As it turns out, that assessment was premature.

POGO Executive Director Danielle Brian contributed.

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3

DEPARTMENT OF DEFENSE
OFFICE OF INSPECTOR GENERAL

DEPUTY INSPECTOR GENERAL FOR
OFFICE OF PROFESSIONAL RESPONSIBILITY

DIGITAL TRANSCRIPTION

X - - - - - X
:
:
: INTERVIEW OF
:
: (b) (6), (b) (7)(C)
:
:
X - - - - - X

August 8, 2013

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1 P R O C E E D I N G S

2 SA (b)(6)&(7)(C) Good morning. The time is 10:00 a.m.

3 and this is the 8th of August 2013. My name is (b) (6), (b) (7)(C) .

4 I'm a special agent with DCIS assigned to the Office of
5 Professional Responsibility. Present with me today is

6 (b)(6)&(7)(C) also with OPR.

7 We are conducting an interview of, can you tell us
8 your name?

9 (b)(6)&(7)(C) (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

10 SA (b)(6)&(7)(C) And spell your last name for us.

11 (b)(6)&(7)(C) (b) (6), (b) (7)(C)

12 SA (b)(6)&(7)(C) Okay. And before going further can you
13 please raise your right hand?

14 Whereupon,

15 (b)(6)&(7)(C)

16 was called as a witness and, having been first duly sworn,
17 was examined and testified as follows:

18 EXAMINATION

19 BY SA (b)(6)&(7)(C)

20 Q And we will also need you to confirm you are aware
21 we are recording this conversation.

22 A Okay, yes, we are recording this conversation.

23 Q Yes, thank you.

24 A Yes, we are recording this conversation.

25 Q If that one runs out I'll put the other. All

1 right, to begin please give us again your full name, place of
2 employment, and your job description.

3 Q Okay. I'm (b)(6)&(7)(C) My
4 employer is the Department of Defense Office of the Inspector
5 General. And I'm currently (b)(6)&(7)(C)

6
7 (b)(6)&(7)(C)

8
9 Q And how long have you been in that position, (b)(6)&(7)(C)

10 A (b) (6), (b) (7)(C)

11 Q And previous to that what was your position and how
12 long were you in that position?

13 A Previous to that I was (b)(6)&(7)(C)

14
15
16 (b)(6)&(7)(C)

17
18
19 Q Okay. Do you know what the Project on Government
20 Oversight is?

21 A Yeah. The Project on Government Oversight, POGO,
22 is a nongovernment entity that focuses on whistleblower
23 issues and government accountability issues.

24 Q Okay. Would it be fair to say they're a
25 nonpartisan independent watchdog group, or would you

1 characterize it in another way?

2 A Well, I think I would say they are a independent
3 watchdog group. I don't really know how to assess
4 nonpartisan.

5 Q Okay.

6 A I don't, yeah.

7 Q All right. Do you know the names of any POGO
8 employees?

9 A Yes. The executive director, Danielle Brian, B-r-
10 i-a-n.

11 Q Mm-hmm.

12 A And then their legislative liaison, (b) (6), (b) (7)(C)

13 (b) (6), (b) (7)(C)

14 Q Mm-hmm.

15 A And then prior to (b) (6), (b) (7)(C) leaving I worked with their
16 defense investigations point of contact. I'm not sure what
17 (b) (6), (b) (7)(C) name was. (b) (6), (b) (7)(C)

18 Q Mm-hmm. And when was the last time you had contact
19 with them, sir?

20 A Danielle I spoke with or e-mailed with in the past
21 two weeks.

22 Q Mm-hmm.

23 A About Mr. Crane's situation.

24 Q Mm-hmm.

25 A And (b) (6), (b) (7)(C) asked me for a PPD-19.

Danielle Brian
is the Exec.
Dir and was a
contributor to
the POGO
story online.

1 information, who the point of contact was in the DNI's
2 office, and I referred (b) (6), (b) (7)(C) the generic DNI protocol is you
3 send everybody to the PAO.

4 (b) (6) & (7)(C) gone on to the (b) (6), (b) (7)(C)
5 (b) (6), (b) (7)(C) s (b) (6) & (7)(C) sent e-mails back and forth as (b) (6) & (7)(C)
6 moved on. But the last time I worked with (b) (6) & (7)(C) on anything
7 was setting up (b) (6) & (7)(C) interview with Gordon Heddell when we did
8 that media event some time ago.

9 And the last substantive matter I did with Danielle
10 other than just catching up on news and such was when Mr.
11 Crane and I went over to approach (b) (6) & (7)(C) about Ms. Halbrooks'
12 nomination for the IG.

13 Q Now, tell me this. When you had communication with
14 the POGO employees what type of communication? Are we
15 talking telephone, face-to-face?

16 A Most of it's phone. Sometimes face-to-face,
17 although Danielle discourages government employees from
18 stopping by their offices.

19 Q How about e-mail?

20 A My government e-mail.

21 Q Mm-hmm.

22 A I have not gotten a private e-mail from Danielle
23 probably in 10 years.

24 Q Okay, and we'll get to that a little bit further
25 down the line. Are you aware of a draft report about

1 accommodations being made with Hollywood filmmakers relative
2 to the bin Laden raid?

3 A I'm aware. If this is the report that POGO posted
4 I'm aware of that report. I have not read it.

5 Q Okay, I'm putting a report in front of you. Can
6 you identify that, sir?

7 A This is a release of Department of Defense
8 information to the media report, draft report.

9 Q Okay, that's draft report?

10 A Yeah.

11 Q Is that the report we're talking about?

12 A Yes.

13 Q Okay. So the Hollywood filmmakers relative to the
14 bin Laden raid, correct?

15 A I haven't read it. I thought it was about the
16 movie Zero Dark Thirty.

17 Q Okay. All right.

18 A From the press on it.

19 Q What was your involvement with that draft?

20 A I got regular updates from Mr. Crane on it.

21 Q Mm-hmm.

22 A But his point of contact in OCCL for this project I
23 believe was (b) (6), (b) (7)(C) so I didn't help (b) (6), (b) (7)(C) with the
24 front office OCCL review of the report.

25 Q Did you help with the drafting of the report?

1 A No.

2 Q Editing?

3 A No.

4 Q So your full involvement with that report was what
5 you just said?

6 A Yes. It was with Mr. Crane, yeah.

7 Q Okay. When did you first have access to that
8 report? You can give the month and year if you want.

9 (Pause.)

10 A That's a good question.

11 Q To the best of your recollection, sir.

12 A Sometime in November.

13 Q And what --

14 A It might have been December. I'm not quite sure of
15 the date. But sometime last fall Mr. Crane sent me a copy
16 and asked me to transmit it to (b)(6) (b)(7)(C) and (b)(6), (b)(7)(C)

17 (b)(6), (b)(7)(C)

18 Q Was that 2012, sir?

19 A That would have been 2012, yeah.

20 Q And when was the last time you saw a copy of the
21 draft of that report?

22 A I think this is the first time I've actually seen a
23 copy of the draft.

24 Q Okay.

25 A Yeah. When I got the e-mail I didn't open it.

1 BY SA (b)(6)&(7)(C)

2 Q You said (b)(6) (b)(7)(C) or --

3 A (b)(6) (b)(7)(C)

4 Q (b)(6) (b)(7)(C) and (b) (6), (b) (7)(C) .

5 A (b)(6) (b)(7)(C) is the (b) (6), (b) (7)(C) of the Senate

6 Armed Services Committee and (b) (6), (b) (7)(C) is a former

7 Senate Intelligence Committee executive or staff member.

8 Q And they got a copy of the draft?

9 A I sent them a copy in December at some point, yeah.

10 Q Did they request it or --

11 A No. Mr. Crane asked me to forward it to them.

12 Q Did he say why?

13 A No.

14 Q Okay. Is that odd to give a staffer a draft
15 report?

16 A I did it three times, draft report. This one. The
17 Tannenbaum report went to (b)(6) (b)(7)(C) before it went out.
18 And there was one other one, the RMA report, which was the
19 Retired Military Analyst project.

20 Q Okay.

21 A And Tannenbaum report was at the request of (b)(6), (b)(7)(C)
22 (b)(6), (b)(7)(C) and Mr. Crane. This one was Crane. And the RMA report
23 was just Crane. Yeah.

24 Q Okay. Do you know if on this report that we're
25 talking about, do you know if someone directed Mr. Crane to

1 release it to the staffers that you mentioned, (b) (6), (b) (7)(C) and
2 (b)(6) (b)(7)(C)

3 A No. I left Mr. Crane's discussions with Ms.
4 Halbrooks with him. I didn't pry into that part, yeah.

5 Q Okay. So do you recall, do you think you still
6 have that e-mail that he sent you? Did he request, did you
7 ask you via e-mail to do that, to send it out, or did he
8 verbally?

9 A He sent an e-mail and I do not think I still have
10 it. I'm pretty sure I don't, because I'm pretty sure it got
11 deleted at some point in the last three months or so.

12 Q Okay.

13 A I've been going through and just getting stuff,
14 yeah, archiving and such.

15 Q Sure.

16 A But, I mean, it should still be on the tapes. I
17 mean, if you need to pull it you can pull it.

18 Q And that was you thought possibly December time
19 frame, give or take?

20 A It was before (b)(6)&(7)(C)

21 (b)(6)&(7)(C)

22 (b)(6)&(7)(C) So it would have been like in that December
23 time frame.

24 Q And the staffers you mentioned, they were committee
25 staff or they were member staff?

1 A (b)(6) (b)(7)(C) is (b) (6), (b) (7)(C) of the SASC so that's
2 committee staff.

3 Q Yeah, sure.

4 A And (b)(6), (b)(7)(C) is committee staff, Intel.

5 Q Okay.

6 A And I heard right after that that, I don't know if
7 this is, this is what I heard is that (b)(6) (b)(7)(C) had reached over
8 to the Senate Intel Committee, because Senator Levin is on
9 both committees, and had asked the Intel committee to
10 transfer its inquiry on ZDT to the SASC.

11 Q Okay.

12 A So my assumption was, just putting two and two
13 together -- Mr. Crane left right about this time -- was that
14 when the draft went over it had been privy to some discussion
15 between (b)(6) (b)(7)(C) and John and John was just having me be the
16 conduit so he wasn't the conduit. That's what I'm assuming
17 was the case.

18 BY SA (b)(6)&(7)(C)

19 Q So you personally in the fall/winter of 2012
20 actually sent a copy of that draft to certain individuals?

21 A Yeah, to the -- yes.

22 Q In total how many individuals are we talking about?

23 A Two individuals, (b) (6), (b) (7)(C) and (b)(6) (b)(7)(C) .

24 Q Anybody else?

25 A No.

1 Q Okay. You said you didn't read the draft?

2 A That's right. I did not read the draft.

3 Q You don't know what's inside?

4 A That's right.

5 BY SA (b)(6)&(7)(C)

6 Q Did either of those individuals, did you have any
7 discussions with either (b)(6) (b)(7)(C) or (b)(6) (b)(7)(C) about the report or is
8 it just you forwarded it on and --

9 A I forwarded it on and stepped back and I assumed
10 that whatever discussions were taking place between whatever
11 people was taking place.

12 Q Okay.

13 A In the past I had been invited to go up for
14 subsequent meetings. So on the Tannenbaum case I went up and
15 met with Senate Armed Services Committee staff, because the
16 question at that point was whether there was internal
17 corruption here. That's what this was about.

18 And on the RMA report I actually went up. Then
19 there was a subsequent Washington Times article about Mr.
20 Crane and (b)(6) (b)(7)(C) on the RMA report and I thought that was kind
21 of interesting because I don't think that came from Mr.
22 Crane. And the RMA report was sort of like an update of what
23 they were doing on that project. (b)(6) (b)(7)(C) was always, as (b)(6)&(7)(C)s
24 always, careful about not getting into the merits. It was
25 just sort of scope and methodology review.

1 And that's what I assumed was going on here. But
2 since I was not Mr. Crane's point of contact (b) (6), (b) (7)(C) was, I
3 assumed that whatever was going to go on was on the person
4 who was actually the point of contact for Mr. Crane on the
5 project.

6 Q Is that (b) (6), (b) (7)(C) ?

7 A Yeah.

8 Q (b) (6), (b) (7)(C) okay.

9 A (b) (6), (b) (7)(C) had been to the meetings and been working
10 with Henry and the legal staff.

11 BY SA (b) (6)&(7)(C)

12 Q And after you sent this draft off did you make a
13 telephone call or anything like that to talk to anybody about
14 that?

15 A No. I've had two conversations with (b) (6) (b) (7)(C) in the
16 last two years. (b) (6), (b) (7)(C) I talked to (b) (6)&(7)(C) in March
17 -- I think (b) (6)&(7)(C) on March 1st -- just to make sure (b) (6)&(7)(C)
18 stayed in touch. But no, we didn't talk about ZDT.

19 Q Okay, so no follow-up calls to say, "Hey, did you
20 get this?"

21 A No.

22 Q Okay. How about with Mr. Crane, did you go back
23 and say, "Hey, I did as you instructed me to do"?

24 A I don't remember, I think in part because this was
25 all like in December and then (b) (6)&(7)(C) The rest (b) (6)&(7)(C) was

1 (b)(6)&(7)(C) so I don't
2 remember whether I closed the loop with him. I might have
3 right before (b)(6)&(7)(C) but I can't remember.
4 Q Now, that report was in an attachment to an e-mail
5 that you sent out, correct?
6 A Yeah.
7 Q Okay. Now, how did it actually get onto that
8 attachment? And what I mean by that is did you make copies
9 of that or scan that or --
10 A Oh, no, it was sent to me by Mr. Crane.
11 Q Okay.
12 A By e-mail.
13 Q Okay. And you just forwarded it on?
14 A Yeah.
15 Q Okay.
16 A That's my recollection. I'm pretty sure about
17 that, yeah.
18 BY SA (b)(6)&(7)(C)
19 Q Do you recall if it was a PDF or a Word file or
20 what type of file?
21 A I'm pretty sure it was a PDF.
22 Q Okay.
23 A Yeah, I'm pretty sure it was a PDF.
24 BY SA (b)(6)&(7)(C)
25 Q Okay, and other than that did you make any copies

1 of it at all?

2 A No.

3 Q Okay, you didn't print it out, is that what you're
4 saying?

5 A I did not print it out.

6 Q Did you provide that draft to anyone else by any
7 means?

8 A No.

9 Q Do you have a personal e-mail account, sir?

10 A I do.

11 Q Do you want to share that with us?

12 A Yeah. It's Verizon and it's Hotmail and it's

13 (b)(6)&(7)(C)

14 Q So other than the reasons that we already discussed
15 is there any reason your e-mail accounts would show that you
16 had sent off that report or had access to that report by any
17 other means?

18 A I don't think so. And I think it went to my
19 government account. I don't think I used my private account
20 for that. I'm not sure, but I think it went from the
21 government account.

22 Q Okay. Is there any reason it might be in your
23 private account?

24 A If there was an (b)(6)&(7)(C) I
25 did have permission from Mr. Crane to use that account for

1 (b)(6)&(7)(C) But I'm 100 percent confident
2 there was no (b)(6)&(7)(C) involved.

3 Q Okay, with this draft?

4 A With this draft, definitely.

5 Q Now, how many people outside, other than the people
6 you already talked about, outside of DODIG regarding this
7 draft have you talked to?

8 A About ZDT or about the --

9 Q About this draft right here.

10 BY SA (b)(6)&(7)(C)

11 Q About this review.

12 A I saw (b) (6), (b) (7)(C) in the hallway and said that I
13 thought (b)(6)&(7)(C) was doing a great job on the project, and that was
14 based on what Mr. Crane had told me. And I saw (b) (6), (b) (7)(C) when I
15 was down in Intel, I think to brief (b)(6)&(7)(C) and I said
16 the same to (b)(6), (b)(7)(C)

17 BY SA (b)(6)&(7)(C)

18 Q Did you talk to anyone, and when I say anyone,
19 outside of DODIG? Your neighbor?

20 A No.

21 Q The (b)(6), (b)(7)(C) around the corner?

22 A No. I don't recall discussing it with (b)(6) (b)(7)(C)
23 (inaudible) when (b)(6)&(7)(C) because I did know that (b)(6) (b)(7)(C)

24 (b)(6)&(7)(C), (7)(E)

25 Q Mm-hmm.

1 A But I don't remember having any substantive talks
2 about it.

3 Q Who do you know who had access, other than the
4 people we've already talked about, to that report?

5 A Mr. Crane. I'm assuming the investigative team. I
6 knew that (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) were on that project, but I knew
7 that from Mr. Crane. During the project I didn't talk with
8 them at all. And (b) (6), (b) (7)(C)

9 Q Mm-hmm.

10 A And I think that's it.

11 Q Now, do you know the controversy which surrounds
12 this particular draft, the article about that draft? Are you
13 familiar with that?

14 A The article?

15 Q The article.

16 BY SA (b)(6)&(7)(C)

17 Q On the POGO website where there was, POGO published
18 an article and within that article this draft was posted.
19 Have you seen that on the Internet?

20 A I have not looked at the POGO report, the posting.
21 But yeah, they usually have like a press release with it.
22 Yeah.

23 Q Okay. And you're aware that they posted something
24 about this?

25 A Well, I knew they'd posted it and they usually put

1 a press release up, but I didn't -- and part of the reason
2 why I didn't go look at it was I didn't know if it was in the
3 category of something that was classified and then you can't
4 go look at classified information when it's on another web.
5 And so I just said, okay, I'll wait until I get asked
6 something and then I'll go look at it. And then nobody asked
7 because Mr. Crane was gone.

8 BY SA (b)(6)&(7)(C)

9 Q Did anybody come to you with concerns about that
10 particular draft?

11 A (b) (6), (b) (7)(C) and I talked about the release of it
12 and my concern was that it had not been marked. So then I
13 must have seen this, at least the cover, because if I said to
14 (b) (6), (b) (7)(C) it wasn't marked then I must have at least seen the
15 cover.

16 And (b) (6), (b) (7)(C) was worried about the insider threat
17 aspects of it. And (b) (6), (b) (7)(C) had I had been talking about the
18 insider threat program for the last year or so. And I think
19 that was an e-mail exchange. I'm pretty sure it was, because
20 I think (b) (6), (b) (7)(C) was also in on that. I think (b) (6), (b) (7)(C) was. I
21 think there was a third person in on that e-mail exchange
22 back and forth.

23 And (b) (6), (b) (7)(C) might -- wait a second. (b) (6), (b) (7)(C) and I may
24 have talked about it during a staff meeting. There were a
25 lot of press issues right about the time (b) (6), (b) (7)(C) took over and

1 I know we talked about a couple of press issues, but I can't
2 remember whether this was one. So I don't know, but (b) (6), (b) (7)(C)
3 and I might have talked about it and (b) (6) & (7)(C) might have been
4 involved in the exchange with (b) (6), (b) (7)(C) But this would have been
5 sort of after that POGO incident because it was all about,
6 you know, the release aspects and what that does for our
7 investigative process.

8 Q Did you have concerns about the release aspects of
9 that report?

10 A Oh, always with a draft. It's never appropriate
11 for a draft to go out in public like that. Yeah, and that
12 was part of the discussion with (b) (6), (b) (7)(C)

13 Q Okay, go back. Did you have concerns about the
14 release -- early, late -- of that particular draft?

15 A On the POGO website?

16 Q Yeah.

17 A I did.

18 Q Well --

19 A Oh, prior to that? I had no problem providing it
20 to (b) (6) (b) (7)(C)

21 Q Okay, well, let me put it this way.

22 A And I know that's a serious decision to make but my
23 assumption was when Mr. Crane asked me to do that that it was
24 cleared with the front office.

25 Q Okay, let me put it this way. Did you -- I'm not

1 talking about the others. Did you have concerns about the
2 release of that draft, late, early or otherwise?

3 A Released to whom? Just released in general?

4 Q Being published early, late or otherwise.

5 A Oh, oh, about like the findings?

6 Q No.

7 A No?

8 Q The completion time, whether --

9 BY SA (b)(6)&(7)(C)

10 Q So let me back up a little bit. So the POGO
11 article raised some concerns. I think this is what we're
12 talking about. The POGO article indicated that the report
13 was being held up within the OIG or whatever the allegation
14 was, that it was being delayed within the OIG. Are you aware
15 of anyone within the OIG who expressed those concerns, the
16 same concerns that appeared in the POGO article?

17 A Oh, Mr. Crane from August, at least August, maybe
18 earlier, August onward was concerned about the timing of the
19 report. In fact, I think that's most, I think it's all he
20 was concerned about. Originally he said they had agreed to
21 get it out by June, which was (b)(6), (b)(7)(C)

22 And he told me that it had problems so it did not get out by
23 June. He was worried about the political calendar.

24 Then they wanted to get it out. They thought, he
25 thought that it was inappropriate to release it in August

1 because of the conventions, so the next time period was like
2 September. And he thought it would be out in the
3 September/October time frame. And then I didn't hear much
4 about it in November.

5 And then the first part of December he had a
6 meeting, he told me he had a meeting with Henry Shelley and
7 that there was an agreement that it could go out at that
8 point in time.

9 I don't know that it was this draft they were
10 talking about. I don't know how many drafts (b) (6), (b) (7)(G) had or
11 what the decision was on that. But there was a timing issue.
12 I don't think it was about findings. It was a timing issue
13 and when it should go out. And I think that was all
14 predicated on there was some inquiry we did a year or two
15 before where we were accused of political timing on a report
16 and he was focused on it for that reason.

17 Q Okay.

18 BY SA (b)(6)&(7)(C)

19 Q Now, I think you've already said this.

20 A And all my information regarding whatever we were
21 thinking on this in the building came from John. (b) (6), (b) (7)(G) and I
22 had very few conversations about ZDT. We were respecting the
23 line that John put in between the two of us, yeah.

24 Q I think you already said this. Now, as far as your
25 e-mail accounts they would indicate that you were in contact

1 with a "@POGO.org"?

2 A Yeah. I think I get e-mails on the government
3 account still. I got some today from outside stakeholders.
4 So that would include, I think I've seen one from (b)(6) (b)(7)(C)
5 (b)(6) (b)(7)(C) in the last six months. I get Danielle's like
6 their automatic feed.

7 BY SA (b)(6)&(7)(C)

8 Q Sure.

9 A Like the outreach list. But I don't think that's
10 Danielle's e-mail. I don't send anything back. I think it
11 just says Danielle Brian because that's the automatic one.

12 Q And we know, obviously, you deal with them in your
13 official capacity routinely.

14 A Yes.

15 Q Any contact with POGO regarding this draft report
16 we're talking about today?

17 A No.

18 Q Okay.

19 A No.

20 BY SA (b)(6)&(7)(C)

21 Q And as far as the machines in your office before
22 (b)(6)&(7)(C) the multi-function machines, is there any reason
23 why any of those would have images in memory there of that
24 report?

25 A No, actually, I don't think so. I think it came

1 through, it was on the e-mail and I forwarded it. And so I
2 think it would be on the tapes. I think that's where to look
3 for it. And I think again it would be that first two weeks
4 in December. But as you all know from my past experience
5 with your office, memory is very difficult after about three
6 months.

7 (Laughter.)

8 A And I am very sensitive to that now. (b)(6)&(7)(C)

9 (b)(6)&(7)(C) But boy, you can,

10 I mean, it's very easy if you have something you can
11 remember, like I can remember pre Crane walkout and post
12 Crane walkout. But when you get into like large blocks of
13 three months or so and there's a lot of stuff, after about
14 three months I have a hard time sifting through it.

15 Q Were you authorized to release that draft to
16 anyone?

17 A My understanding is that I was authorized to
18 release it to the two committee members. I was authorized to
19 release it.

20 Q Anybody else outside of DODIG?

21 A No.

22 BY SA (b)(6)&(7)(C)

23 Q And just for the transcriber, how do you spell

24 (b)(6) (b)(7)(C)

25 A (b)(6) (b)(7)(C)

1 Q Okay, thank you.

2 BY SA (b)(6)&(7)(C)

3 Q And it would be fair to say that you did not
4 provide that draft report to anyone outside of DODIG?

5 A Yes.

6 Q And would it be fair to say that -- you can answer
7 this. Did you provide the report or any elements to anyone
8 at POGO?

9 A I did not.

10 Q Do you know of anyone who did?

11 A No, I do not.

12 Q Do you have knowledge of anyone who discussed the
13 draft report with someone at POGO?

14 A Mr. Crane may have. And I don't know it for
15 certain, but I know that he is considered a whistleblower on
16 Dawood, ZDT and DFAS. (b)(6), (b)(7)(C)
17 when he disclosed on Dawood. (b)(6), (b)(7)(C)
18 disclosures regarding ZDT.

19 Q Now, let's get to the weeds on that a little bit.

20 A Yeah.

21 Q You're saying Mr. Crane may have talked to someone
22 at POGO regarding that draft, right?

23 A Yeah. Yeah.

24 Q Were you there?

25 A No.

1 Q Okay. Did he talk to you about that?

2 A No.

3 Q How do you know that he may have or may not have?

4 A Because POGO is helping him with his current
5 situation and POGO's been interested in ZDT.

6 Q Okay, so it would be fair to say he didn't tell you
7 that?

8 A He did not tell me that.

9 Q Okay. Did you see anything in writing or e-mail or
10 otherwise that would --

11 A No.

12 Q -- confirm that?

13 A No.

14 Q And no one from POGO might have told you that they
15 talked to Crane about it?

16 A Definitely nobody at POGO has told me that, yes.

17 Q And you didn't have any discussions with anyone
18 else about Mr. Crane talking to somebody at POGO regarding
19 that draft?

20 A Correct.

21 SA (b)(6)&(7)(C) Okay. (b) (6), (b) (7)(C)

22 SA (b)(6)&(7)(C) No, nothing from me.

23 BY SA (b)(6)&(7)(C)

24 Q Is there any information you would like to give us
25 that we didn't go over?

1 A I don't think so.

2 BY SA (b)(6)&(7)(C)

3 Q Of course, we champion the right of whistleblowers.
4 You know, that's our job as an IG. The concern that we're
5 looking at is this specific draft.

6 A Yes.

7 Q The release of this specific draft.

8 A Yeah.

9 Q And, you know, we're all sensitive to the
10 whistleblowing community, particularly because it's so
11 important to our position here in the OIG.

12 A Yeah.

13 Q So, okay, but go ahead.

14 A Well, one thing I will add. During this entire
15 evolution from mid-December onwards (b)(6)&(7)(C)

16
17 (b)(6)&(7)(C)

18 Q Sure.

19 A So I had an extreme motive to be extremely careful
20 about everything I was doing. And the transmission of the
21 report to (b)(6) (b)(7)(C) and (b)(6) (b)(7)(C) was exactly the same sorts of
22 instructions I'd received twice before, and I always
23 understood Mr. Crane to have approval to share those drafts.
24 And I know that sharing drafts is very problematic
25 because they are not final and you could have something go on

1 in investigative process late that changes what the finding
2 is. But I also know that with committees of jurisdiction
3 that sometimes they're reviewing things because they're
4 reviewing us.

5 And I know of no matter involving ZDT where I think
6 I have seen anything that says that this agency acted
7 incorrectly. So I have no direct observations that (b) (6), (b) (7)(C) or
8 (b) (6), (b) (7)(C) or anybody else acted incorrectly. So I'm very
9 comfortable about what we have done on this project.

10 BY SA (b)(6)&(7)(C)

11 Q Or indirect observations?

12 A Or indirect, yeah.

13 Q Clear that up.

14 A Good, counselor.

15 (Laughter.)

16 SA (b)(6)&(7)(C) Okay, let's read you out. Other than
17 administrative matters have we discussed anything relating to
18 this investigation that is not a part of this tape-recorded
19 interview?

20 THE WITNESS: No, we haven't.

21 SA (b)(6)&(7)(C) Have we made any promises or
22 representations to you that are not part of this tape-
23 recorded interview?

24 THE WITNESS: No, you haven't.

25 SA (b)(6)&(7)(C) Do you have any comment regarding the

1 manner in which we conducted this interview today?

2 THE WITNESS: I think you all have been very
3 professional, as you always are.

4 SA (b)(6)&(7)(C) Have we treated you okay?

5 THE WITNESS: Yes, as I would expect you to treat
6 all of your witnesses.

7 SA (b)(6)&(7)(C) This is an official inquiry. You are
8 under no obligation to disclose the nature of this interview
9 to others, including supervisors. Please do not discuss this
10 inquiry or the questions, answers or discussions included in
11 this interview with anyone in order to avoid hindering our
12 further efforts.

13 I recommend that if anyone asks you about this
14 interview you may say, "I am not at liberty to discuss what
15 we talked about." This does not apply to or restrict your
16 ability to contact an IG, your attorney, or a member of
17 Congress.

18 Do you have any questions concerning this
19 advisement?

20 THE WITNESS: No, I do not.

21 SA (b)(6)&(7)(C) Okay, this concludes this interview and
22 it is 10:31.

23 (The interview was concluded at 10:31 a.m.)

24 * * * * *

4

DEPARTMENT OF DEFENSE
OFFICE OF INSPECTOR GENERAL

DEPUTY INSPECTOR GENERAL FOR
OFFICE OF PROFESSIONAL RESPONSIBILITY

DIGITAL TRANSCRIPTION

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X - - - - - X
:
:
: INTERVIEW OF
:
: (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)
:
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X - - - - - X
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August 8, 2013

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1 P R O C E E D I N G S

2 (b) (6), (b) (7)(C) Good morning. The time is 11:29 a.m.

3 Today's date is the 8th of August 2013. My name is (b) (6), (b) (7)(C)

4 I'm a special agent with DCIS assigned to the Office
5 of Professional Responsibility. Present with me today is

6 (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) also with OPR.

7 We're conducting an interview of, can you state
8 your name and spell your last name?

9 (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Last name (b) (6), (b) (7)(C)

10 (b) (6), (b) (7)(C) Okay. And before we go further can you
11 please raise your right hand so I may swear you in?

12 Whereupon,

13 (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

14 was called as a witness and, having been first duly sworn,
15 was examined and testified as follows:

16 EXAMINATION

17 BY (b) (6), (b) (7)(C)

18 Q And I also need you to confirm that you are aware
19 we are recording this conversation.

20 A I'm aware you are recording this conversation.

21 Q Okay. And to start with a little background, let
22 us know your place of employment, your job description and
23 also your current position.

24 A Place of employment is Office of Inspector General
25 in the Office of the (b) (6), (b) (7)(C)

1 (b) (6), (b) (7)(C) . My duty title

2 is (b) (6), (b) (7)(C) And what was the, oh, duty description.

3 (b) (6), (b) (7)(C)

4 That's pretty much it.

5 Q As part of that job do you guys do investigations
6 also?

7 A (b) (6), (b) (7)(C)

8 Q Okay. How long have you been in that position?

9 A (b) (6), (b) (7)(C) .

10 Q Now, do you know what the Project on Government
11 Oversight is?

12 A No. Well, not, let me clarify. I did not know
13 until I saw this leak happen or as Ms. Halbrooks has said,
14 this unauthorized disclosure happened. And when I saw it,
15 pretty concerned with my own because I knew it would cause a
16 lot of extra work for me.

17 Q So it would be fair to say you don't know anyone at
18 POGO and you didn't know --

19 A I don't know anybody at POGO at all.

20 Q All right.

21 A Or that I know to be of POGO.

22 Q Now, before we went on tape I think you expressed
23 knowledge of this document.

24 A Yes.

25 Q Okay, can you tell us what that is?

1 A This is my report from the review that(b) (6), (b) (7)(C)our
2 office of general counsel did. We came to the kind of
3 resolution that this was generally around the
4 November/December time frame report version.

5 Q So was that a draft, is that what we're saying?

6 A This is a draft. Predecisional draft report.

7 Q Okay. Now, on the draft is there normally some
8 classification that's indicated on the draft?

9 A So this report actually had two versions. This had
10 a Secret version and an unclass version that was completely
11 unclassified. So the Secret version, which this one is not,
12 had "Secret" at the top and bottom and paragraph markings.

13 Q Now, the ones that are not Secret, do they have
14 FOUO or --

15 A Not this one, no.

16 Q Or any markings?

17 A The plan that was agreed to with leadership was
18 that this was going to be fully unclassified because once we
19 give it to Congress we knew that it was going to be leaked,
20 so why not give them something that they can officially post
21 without leaking any For Official Use Only information.

22 Q Now, just tell us about your full involvement with
23 that particular draft.

24 A (b)(6), (b)(7)(C)

25 (b) (6), (b) (7)(C)

1 (b) (6), (b) (7)(C) to the deputy inspector general, Mr. Jim Ives, well,
2 acting at that time, who is --

3 Q How do you know that that particular one is amongst
4 all the other drafts?

5 A Because basically we did a very thorough review of
6 trying to figure out when the date, time group of this
7 happened. I met with all the senior leadership of the -- Ms.
8 Garrison, I believe, was there. Henry Shelley. Mrs.

9 Halbrooks. (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) . (b) (6), (b) (7)(C)

10 and (b) (6), (b) (7)(C) And (b) (6), (b) (7)(C)

11 (b) (6), (b) (7)(C)

12 And this one was the one that we sent to the Office
13 of Congressional Communications Liaison, and that was in
14 November time frame, I believe.

15 Q And how would you identify that?

16 A Basically, so how I was able to identify it were
17 changes in the "CIA headquarters award ceremony" and "moving
18 forward" paragraphs. These were distinct in this version of
19 the draft.

20 Q Okay. So you,

21 (b) (6), (b) (7)(C)

22 A Yeah.

23 Q And that time frame was once again? What was the
24 time frame?

25 A November/December time frame.

1 Q Okay, 2012, is that correct?

2 A Two thousand twelve, yes.

3 Q Okay. So that particular version, when was the
4 first and last time you saw that?

5 A I don't know. Well, the last time I saw it is
6 right now.

7 Q Before today.

8 A The first time I saw this, I can't tell you exactly
9 the first time I saw this other than (b) (6), (b) (7)(C) So
10 when it was incepted (b)(6), (b)(7)(C) So when it was created is
11 the first time I saw it. The last time I saw it was now.
12 The last time before I saw it on Project on Government
13 Oversight was probably when I sent it up to OGC/Mr. Ives.

14 Q And what is your understanding about the handling
15 of drafts, draft reports?

16 A Contained completely in internal e-mails.

17 Q And how do you know that?

18 A Well, from my own perspective is I know that I've
19 only given it in internal e-mails and also, let me see here,
20 hand-offs. The versions that I gave to the Joint Staff and
21 to NSA for classification review had "Predecisional Draft" on
22 each page.

23 Q So (b) (6), (b) (7)(C)

24 (b) (6), (b) (7)(C) is that what you're saying?

25 A Yeah, (b) (6), (b) (7)(C)

1 Q (b) (6), (b) (7)(C)

2 A

3 Q Yeah.

4 A I have no idea. This report probably took down an
5 entire forest of trees because of how many times I had to

6

7

8

9

10

11

12 Q Mm-hmm.

13 A And we would give it to OGC sometimes in e-mail,
14 sometimes hand copy. Sometimes they'd reply hand copy.

15 Sometimes they would reply in e-mail with the draft. Gave it
16 to OCCL physically and electronically. I only gave it to the
17 Joint Staff and NSA via electronic means.

18 BY (b) (6), (b) (7)(C) :

19 Q The Joint Staff. So NSA got it for classification
20 review did you say?

21 A Yes.

22 Q Joint Staff, what did they get it for?

23 A Classification review as well.

24 Q Also classification review?

25 A Yes.

1 Q And so did they get a version such as this one?

2 A Yeah, but their version got "Draft Predecisional."

3 Q Oh, I see. There was a watermark on it?

4 A Yeah.

5 Q Okay.

6 A I can give you that e-mail.

7 Q And same with the NSA one? It had that watermark
8 on it?

9 A Yes.

10 Q Okay, got it.

11 BY (b) (6), (b) (7)(C)

12 Q And do you have a personal e-mail account?

13 A Yes.

14 Q And what might that be?

15 A (b) (6), (b) (7)(C) gmail.com. And then

16 (b) (6), (b) (7)(C) @gmail.com and (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

17 Q Okay. Now, have you talked to anyone outside of
18 DODIG regarding the draft report, that draft report or
19 elements of it?

20 A When you say talked what do you mean?

21 Q In other words, have you had conversations with
22 your neighbor, the guy around the corner?

23 A After this came out or before it came out?

24 Q At any time.

25 A At any time? Definitely after it.

1 Q How about before?

2 A Before?

3 Q Yes.

4 A Not about this specific draft.

5 Q Well, about --

6 A Generally just that we were doing a report and it
7 was revolving around this information. You've got to be more
8 specific with the question because I was talking to a lot of
9 people about a lot of different things, especially regarding
10 this report.

11 Q Okay, let me put it this way.

12 Q (b) (6), (b) (7)(C)

13 Q Before the article came out, before it was
14 disclosed that there was an unauthorized release of that did
15 you talk to anyone outside of DODIG relative to that report?

16 A No.

17 Q Okay. Did anyone communicate with you about that?

18 A No.

19 Q Call you up and say, hey, you know. Just any
20 discussions whatsoever?

21 A To put it on record, (b) (6), (b) (7)(C) did call me about
22 the report. (b) (6), (b) (7)(C) was the (b) (6), (b) (7)(C) . Not
23 about this specific report but about when the report was
24 going to come out. (b) (6), (b) (7)(C)

25 secretary of defense, Leon Panetta (b) (6), (b) (7)(C) called me directly.

1 So that happened sometime in 2012.

2 And that was, that I reported up and we had a
3 meeting with the PDIG, so at that time PDIG (inaudible) so I
4 did talk to the secretary's office about what the status of
5 the report was. I did talk to the Joint Staff and NSA
6 because they were asking, and SOCOM was also asking. So we
7 were telling them sort of the status of our report.

8 BY (b) (6), (b) (7)(C)

9 Q Other than you mentioned before about the
10 classification review, so we got that.

11 A Mm-hmm.

12 Q Other than that did you provide the draft to any of
13 those people you talked about?

14 A No.

15 Q Okay.

16 BY (b) (6), (b) (7)(C)

17 Q They just inquired about the --

18 A The inquired about the status because they had
19 tasks open that they needed to close.

20 Q So did anyone show, other than them, any concerns
21 about the timing of when the report was going to be published
22 or anything like that?

23 A Not really. I mean, the Joint Staff, because of
24 the multiple classification reviews even past this that we
25 had to do with them, they were wondering if it was ever going

1 to come out. But other than that, not really.

2 Q Did anyone in the office come and say, "Hey, you
3 know, this should have been out the door a long time ago"?

4 A (b) (6), (b) (7)(C)

5 (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

6 (b) (6), (b) (7)(C)

7 (b) (6), (b) (7)(C)

8 Q Now, is there any reason your e-mail accounts would
9 reveal that you shared this draft report with anyone outside
10 of DODIG?

11 A There is no reason why I would have this
12 information on my personal e-mail accounts.

13 Q Now, is there any reason why any of your e-mail
14 accounts would show that you have a "@POGO.org" address?

15 A Unless it was a random sent to me. I've never
16 contacted @POGO.org or anybody at POGO at all about anything.

17 BY (b) (6), (b) (7)(C)

18 Q Now, you talked about the I guess concerns about
19 how long the report was going to go out. Have you read the
20 POGO article online?

21 A Yeah.

22 Q Okay. The issues that were raised in that article,
23 did you hear those issues being discussed around the office?

24 A Well, the first thing is the Santa Claus thing.
25 That was something that struck me because I've never -- why

1 would somebody say Santa Claus or Santa Claus comes early or
2 whatever? So when I saw that me and (b) (6), (b) (7)(C) said yeah,
3 that's definitely something that we, if we were doing an
4 investigation into this that would be something that we would
5 ping on as okay, who sent something that said Santa Claus
6 comes early?

7 But other than that the general statements in there
8 are things that many, many, many people brought to my
9 attention.

10 Q Were all those people (b) (6), (b) (7)(C)

11 A Pretty much, yeah.

12 Q Did you --

13 A Well, I think some other people at, yes, other
14 people in OCCL did bring up that this is taking a while and
15 why certain things were taken out and that we were doing a
16 good job and things like that.

17 Q Who in OCCL?

18 A (b) (6), (b) (7)(C) I think, I can't
19 recall but John Crane might have also said something to the
20 effect that this is a good report, but I can't remember.
21 That was a while ago. And then (b) (6), (b) (7)(C)

22 Q I guess what conversations -- let me ask it this
23 way. Did you I guess provide any information to any of those
24 folks about the circumstances surrounding the delay in the
25 report or anything like that?

1 A Most of those people were at the monthly briefings.

2 Q Okay.

3 A So up until, when did we stop doing monthly
4 briefings? I can't remember exactly. But we were doing
5 monthly briefings with OCCL, OGC, and the front office. So
6 they were -- and OCCL was getting reports as early as, let me
7 think. I don't want to tell you incorrect information
8 because I don't, that's kind of why I wanted to know what
9 this was about so I could bring my little fact sheet of all
10 this stuff so I could tell you accurate information.

11 But OCG got it in August time frame and OCCL got it
12 in September time frame.

13 Q Okay.

14 BY (b) (6), (b) (7)(C)

15 Q Now, just for the record, you didn't provide this
16 report to anyone outside of DODIG, is that correct?

17 A This particular report?

18 Q Yes.

19 A Like I said, well, if you're saying -- I'm pretty
20 sure the predecisional might be the same one but I'm not 100
21 percent sure. I didn't go literally line by line. I just
22 was going off of just generally things were happening really
23 fast that week. And again, the classification review
24 versions were sent to Joint Staff and NSA. And then another
25 classification review version was also sent predecisional to

1 DIA because any SCI information is supposed to reported to
2 DIA. They're the SCI managers for DOD.

3 Q Okay, one final question. You've already answered
4 this, but everyone knew or put it this way. You and it's
5 your understanding everyone knew that draft reports are not
6 supposed to --

7 A Yeah. Yeah.

8 Q Okay.

9 A No, there was no reason for this to get out. There
10 wasn't. And like I said when I started this, when I saw this
11 on POGO I'm like, "Oh, God, there goes my month." Which
12 truly it did. It made my life miserable. And why would I
13 want to make my own life miserable? Why would anybody want
14 to make my life miserable? But, I mean, it is what it is.
15 And we did get a report out.

16 And from my knowledge is I don't know who, to give
17 you a, I don't know who put this out. I did not put this
18 out. (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

19 (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

20

21 And (b) (6), (b) (7)(C)
22 was on that, and (b) (6), (b) (7)(C) and then somebody else, so.

23 BY (b) (6), (b) (7)(C) :

24 Q Was there anything in the way those individuals
25 conducted themselves that made you, I guess, suspicious of

1 them?

2 A No. I mean, I will say (b)(6), (b)(7)(C)

3 (b)(6), (b)(7)(C)

4 Q Which office?

5 A The OIG.

6 Q Oh, the agency, okay.

7 A Yeah. (b)(6), (b)(7)(C)

8 Q Okay. Okay. Have you had any discussions with (b)(6), (b)(7)(C)

9 about the fact that this got released?

10

11

12

13 (b)(6), (b)(7)(C)

14

15

16

17 BY (b) (6), (b) (7)(C)

18 Q When did (b)(6), (b)(7)(C) say that to you?

19 A Multiple times.

20 BY (b) (6), (b) (7)(C) :

21 Q Like before this was released, before it appeared

22 on the POGO website?

23 A I cannot remember exactly the dates. I mean, I

24 know (b)(6), (b)(7)(C) said it multiple times. I just cannot remember.

25

1 BY SA (b)(6)&(7)(C)

2 Q Did that leave you with the impression that (b)(6)&(7)(C) had
3 read the whole report?

4 A If you want me to be completely honest (b)(6)&(7)(C)

5 (b)(6)&(7)(C) But

6 again --

7 Q Do you have proof of that?

8 A No. This is a (b) (6), (b) (7)(C) tingling sense, intuition.

9 BY SA (b)(6)&(7)(C)

10 Q Yeah, but walk us through what's giving you that.

11 A Okay, the POGO website says that the person was a
12 whistleblower and they communicated with Congress. If

13

14

15

(b)(6)&(7)(C)

16

17

18

19 And then obviously when (b)(6)&(7)(C)

20 (b)(6), (b)(7)(C) you know, stuff like that. Now I think that I'm

21 making, now this one, right when I said that like I think I

22 recall (b)(6)&(7)(C)

23 another," but that might just be me creating that personal

24 memory in my head.

25 But I know 100 percent that (b)(6)&(7)(C)

1 (b) (6), (b) (7)(C)
2 "
3 Q (b) (6), (b) (7)(C)
4
5 A (b) (6), (b) (7)(C)
6 Q
7 A
8 BY (b) (6), (b) (7)(C)
9 Q In this building?
10 A Yeah, in this building.
11 BY (b) (6), (b) (7)(C)
12 Q So this thing appeared on the website when? Do you
13 have that?
14 A About a month ago.
15 Q Yeah. I was going to say June.
16 A Late May, early June.
17 Q (b) (6), (b) (7)(C)
18 (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)
19 (b) (6), (b) (7)(C)
20 (b) (6), (b) (7)(C)
21
22 Q Okay.
23 A But I can't tell you the exact dates.
24 BY (b) (6), (b) (7)(C)
25 Q You're certain at least one time was prior to --

1 A Yeah, one time was prior that. Yeah, because one
2 time, actually it was when John Crane was here, now that I
3 think about it, because (b)(6)&(7)(C) John Crane when (b)(6)&(7)(C) said
4 it.

5 Q When (u)(6)&(7)(c) said it?

6 A Yeah.

7 BY SA (b)(6)&(7)(C)

8 Q And can you give us, walk us through that
9 encounter. So where did you run into (b)(6)&(7)(C)

10 A In the hallway.

11 Q And take us through it.

12 BY SA (b)(6)&(7)(C)

13 Q You're walking down the hall.

14 A Well (b)(6), (b)(7)(C) If I had
15 that memory, if I had that great of a memory I would be --
16 but the only reason I think it's tripping in my memory is
17 because (b)(6)&(7)(C) said almost or very similar information in the
18 elevator. So it was hallway, like, "Great work," and
19 something. I mean, that is the best I can give you.

20 BY SA (b)(6)&(7)(C)

21 Q Okay. Okay.

22 A Yeah.

23 Q (b)(6)&(7)(C)

24 (b)(6)&(7)(C)

25 A I can't. I can provide you the e-mail chain of

1 what (b)(6)&(7)(C) was on. And I think what (b)(6)&(7)(C)

2 (b)(6)&(7)(C) or something of that nature, and that's why (b)(6)&(7)(C)

3 (b)(6)&(7)(C) I can't. Again, I'm giving

4 you probably not totally factual information.

5 BY SA (b)(6)&(7)(C)

6 Q The day when (b)(6)&(7)(C) made that comment, would your e-
7 mails refresh your memory --

8 A No.

9 Q -- as to that day, what day it was?

10 A No.

11 Q No?

12 A Because I don't think I would have, I don't think I
13 would have wrote it in e-mail.

14 Q Well, not that, but maybe something else that might
15 refresh your memory as far as this was said on that day. You
16 were working on something or anything like that.

17 A (No audible response.)

18 Q If it comes to you later just let us know.

19 A Yeah.

20 SA (b)(6)&(7)(C) Nothing further.

21 SA (b)(6)&(7)(C) Okay, let's help you out of here.

22 Other than administrative matters have we discussed anything
23 relating to this investigation that is not a part of this
24 tape-recorded interview?

25 THE WITNESS: Did we discuss --

1 SA (b)(6)&(7)(C) In other words, have we talked about
2 anything that's not on this tape as far as this investigation
3 is concerned?

4 THE WITNESS: Oh, no. No.

5 SA (b)(6)&(7)(C) Have we made any promises or
6 representations to you that are not part of this tape-
7 recorded interview?

8 THE WITNESS: Other than you started the witness
9 thing. You didn't put that on the tape recording.

10 SA (b)(6)&(7)(C) Elaborate.

11 THE WITNESS: You said that, when we started you
12 said, "Oh, you're just a witness in this."

13 SA (b)(6)&(7)(C) Yes. Yes, you are just a witness.

14 THE WITNESS: Okay.

15 SA (b)(6)&(7)(C) Now it's on the tape.

16 THE WITNESS: Yeah.

17 SA (b)(6)&(7)(C) Do you have any comment regarding the
18 manner in which we conducted this interview today?

19 THE WITNESS: No.

20 SA (b)(6)&(7)(C) Did we treat you okay?

21 THE WITNESS: Yes.

22 SA (b)(6)&(7)(C) This is an official inquiry. You are
23 under no obligation to disclose the nature of this interview
24 to others, including supervisors. Please do not discuss this
25 inquiry or the questions, answers or discussions included in

1 this interview with anyone in order to avoid hindering our
2 further efforts.

3 I recommend that if anyone asks you about this
4 interview you may say, "I am not at liberty to discuss what
5 we talked about."

6 THE WITNESS: Okay.

7 SA (b)(6)&(7)(C) This does not apply to or restrict your
8 ability to contact an IG, your attorney, or a member of
9 Congress.

10 Do you have any questions concerning this
11 advisement?

12 THE WITNESS: Two things. One is going to be
13 administrative. (b) (6), (b) (7)(C) that
14 I would be coming to this.

15 SA (b)(6)&(7)(C) Oh, that's fine.

16 THE WITNESS: Okay. And then the other thing is
17 that I know, because I've done them, do I need to sign a
18 Privacy Act statement or any of that? I can't remember.

19 SA (b)(6)&(7)(C) With us, no.

20 SA (b)(6)&(7)(C) The time is five minutes to 12:00 and
21 that concludes this interview.

22 (The interview was concluded at 11:55 a.m.)

23 * * * * *

24

5

DEPARTMENT OF DEFENSE
OFFICE OF INSPECTOR GENERAL

DEPUTY INSPECTOR GENERAL FOR
OFFICE OF PROFESSIONAL RESPONSIBILITY

DIGITAL TRANSCRIPTION

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X - - - - - X
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:   (b) (6), (b) (7)(C) :
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August 19, 2013

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(b) (6), (b) (7)(C)- 8/19/13

1 P R O C E E D I N G S

2 SA (b)(6)&(7)(C) Good afternoon. The time is four
3 minutes after 2:00 p.m. on the 19th of August 2013. My name
4 is (b) (6), (b) (7)(C) I'm a special agent with DCIS assigned to
5 the Office of Professional Responsibility. Present with me
6 today is (b)(6)&(7)(C), also with OPR.

7 We are conducting a re-interview of --

8 (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

9 SA (b)(6)&(7)(C) Okay, and spell your last name (b) (6), (b) (7)(C)
10 (b) (6), (b) (7)(C)

11 (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

12 SA (b)(6)&(7)(C) Okay. And just like before we're going
13 to swear you in.

14 Whereupon,

15 (b) (6), (b) (7)(C)

16 was called as a witness and, having been first duly sworn,
17 was examined and testified as follows:

18 EXAMINATION

19 BY SA (b)(6)&(7)(C)

20 Q And I also need you to confirm that you are aware
21 we are recording this conversation.

22 A I am.

23 BY SA (b)(6)&(7)(C)

24 Q All right. Thanks for coming back in. We just
25 have a few follow-up questions regarding some of it generally

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(b) (6), (b) (7)(C)- 8/19/13

1 with respect to the release of draft reports, you know, what
2 OCCL's policy is about that, and specifically interactions
3 with the Hill and draft reports.

4 So the draft, we're still talking about the same
5 draft, which was before the one that appeared on the POGO
6 website. What's the general policy within OCCL about
7 releasing draft reports to congressional staff?

8 A We do not release draft reports to congressional
9 staff. We don't release draft reports to anyone. OCCL's
10 role is just to review draft reports, and we're currently
11 kind of revising our instruction on that role.

12 But we review them to see if there's going to,
13 some, the ones that are high visibility are already kind of
14 deemed to have like a congressional interest or a media
15 interest or that kind of thing. So some of them have been
16 requested by members so we review draft reports to make sure
17 that they're responding to, you know, the congressional
18 request or legislative mandate. But we do not release draft
19 reports.

20 Q Was Mr. Crane aware of that policy, John Crane?

21 A Yeah.

22 Q Okay. Did he articulate that policy to the staff
23 in OCCL?

24 A Yeah. I think that he was probably involved in
25 creating the policy because I think we didn't really start

1 looking at the draft reports until the, there was a report
2 that was issued, oh, it was really controversial several
3 years ago and it's what kind of led us to getting the
4 testimonial subpoena authority.

5 I think I&E had done it. It was on, now I forget
6 the subject of the report but it was really controversial and
7 it was a congressionally requested review and, you know, it
8 didn't really address the questions. And Mr. Crane had
9 looked at it at various stages and that's kind of what led to
10 us reviewing draft reports that kind of, because before then
11 we just, you know, would wait for them to be issued and, you
12 know, come out in final and then send it out.

13 But he had concerns that that report in particular
14 wasn't responsive to the request.

15 Q Okay. But just to clarify, the draft report itself
16 would not be released? It would be a review by your office
17 and then --

18 A Right, to address whether or not it was meeting the
19 expectations of Congress and, you know, we were looking at
20 what they, what we had, what they had wanted us to look at.

21 Q And I saw there's an IG instruction, and I didn't
22 bring it in with me but I think it's 45.

23 A The Congressional Affairs instruction.

24 Q Yes.

25 A And that's the one that we're actually revising

(b) (6), (b) (7)(C)- 8/19/13

1 that to kind of better define what OCCL's role is in
2 reviewing the draft and final reports.

3 Q Okay.

4 A But we never release the draft reports.

5 Q Okay. And as I read that instruction that appears
6 to prohibit the release of draft reports to the Hill anyway.

7 A Right.

8 Q Okay. With respect to this draft report involving
9 the Zero Dark Thirty report, the King report I guess we call
10 it, was there any discussion about releasing that draft
11 report to the Hill?

12 A No.

13 Q Okay.

14 A Not that I'm aware of.

15 Q Did Mr. Crane ever indicate that he was going to
16 authorize the release of that draft?

17 A No. We never release draft reports. But there was
18 talk about it not being, not going out in a draft form, that
19 it would just right away go to final.

20 Q Mm-hmm.

21 A So maybe that might be. Because there are
22 occasionally reports that Audit and I think some of the other
23 components do where they don't do a draft which goes to
24 management for, you know, management comments. That if
25 there's no recommendations occasionally they'll go straight

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(b) (6), (b) (7)(C)- 8/19/13

1 to final.

2 Q Okay. But in this case, like back, so the time
3 frame we're --

4 A But a draft report, yeah.

5 Q The time frame we're talking about is before this
6 report appeared on the POGO website. It's our understanding
7 it was provided to Senate staffers.

8 A No, no, we briefed Senate staffers but we did not
9 provide them the draft report.

10 Q Okay.

11 A We had just meetings with on the Senate side Senate
12 Armed Services Committee and the Senate Intelligence
13 Committee. And then we'd also been briefing Chairman King on
14 the House side, his staff. But we never gave them the
15 results of the report. There were questions that Chairman
16 King had asked in his letter and we'd advised them of the
17 responses to those questions.

18 Q And were you present at those meetings with the
19 SASC and the SSCI members?

20 A Yes.

21 Q Was (b) (6), (b) (7)(C) one of those staffers that --

22 A Yes.

23 Q And (b)(6)&(7)(C) was (b)(6)&(7)(C) another one on the SASC
24 side?

25 A Was (b)(6)&(7)(C) at the meeting? I remember (b) (6), (b) (7)(C) being

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(b) (6), (b) (7)(C)- 8/19/13

1 at the SSCI meeting because (b) (6), (b) (7)(C) was very confrontational, you
2 know, like saying that we weren't doing our job right. And I
3 have write-ups of both of the SSCI and SASC meetings that I
4 can provide to your office.

5 Q Oh, yeah, that would be great. So focusing on
6 (b) (6), (b) (7)(C) the meeting with (b) (6), (b) (7)(C) and SSCI, was (b) (6), (b) (7)(C) at that
7 meeting?

8 A I don't think so. (b) (6), (b) (7)(C) sent an e-mail (b) (6), (b) (7)(C)
9 sometimes, (b) (6), (b) (7)(C) not Congressional Affairs but (b) (6), (b) (7)(C) would take
10 it upon (b) (6), (b) (7)(C) to do Congressional Affair activities. So I
11 think (b) (6), (b) (7)(C) had reached out to the SSCI for some reason and
12 offered them a briefing on this, and I don't know why (b) (6), (b) (7)(C) did
13 because I was already working with the SSCI staff to set up a
14 meeting.

15 Q Do you have those e-mails? So just explain that,
16 please. So (b) (6), (b) (7)(C) reached out to the SSCI staff and what
17 did (b) (6), (b) (7)(C)

18 A (b) (6), (b) (7)(C) sent (b) (6), (b) (7)(C) an e-mail that said something like,
19 "Do you need to have a briefing on this?" And I was upset
20 about that because I had already been working with (b) (6), (b) (7)(C) with
21 (b) (6), (b) (7)(C) you know, in setting up a meeting. And (b) (6), (b) (7)(C) had just
22 kind of reached out to them separately and I didn't know if
23 (b) (6), (b) (7)(C) had been working with (b) (6), (b) (7)(C) But I was already, you know,
24 engaging (b) (6), (b) (7)(C) Oh, you know, what dates you're available to
25 brief and that kind of thing.

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(b) (6), (b) (7)(C)- 8/19/13

1 BY SA (b)(6)&(7)(C)

2 Q The time frame this occurred?

3 A I might still have e-mail. I don't know.

4 BY SA (b)(6)&(7)(C)

5 Q What was (b)(6), (b)(7)(C) interest in this matter?

6 A I never understood what (b)(6)&(7)(C) interest is because it
7 wasn't a whistleblower issue. I mean, because (b)(6)&(7)(C) deals with
8 staffers sometimes, you know, regarding whistleblower
9 concerns. But this was not a whistleblower issue so I don't
10 know what (b)(6)&(7)(C) why (b)(6)&(7)(C) was reaching out to them.

11 BY SA (b)(6)&(7)(C)

12 Q Did you ever have conversation with (b)(6)&(7)(C) relative to
13 the report, time frame, anything like that?

14 A With (b)(6), (b)(7)(C) no, I didn't really.

15 Q Mm-hmm.

16 A Because (b)(6)&(7)(C) was kind of overlapping on our role I
17 tried to not deal with (b)(6)&(7)(C) as much.

18 BY SA (b)(6)&(7)(C)

19 Q So I guess without beating around the bush, was (b)(6), (b)(7)(C)
20 inserting (b)(6), (b)(7)(C) in something that (b)(6), (b)(7)(C) shouldn't have been
21 in?

22 A In my view (b)(6)&(7)(C) was.

23 Q Okay, and what makes you say that?

24 A Because it wasn't a whistleblower issue. It was a
25 request that Chairman King had and understandably the SSCI

(b) (6), (b) (7)(C)- 8/19/13

1 was, you know, interested in it. But I was already engaging
2 the SSCI in setting up a meeting and (b)(6)&(7)(C) didn't need to be
3 involved in it.

4 BY SA (b)(6)&(7)(C)

5 Q Did (b)(6)&(7)(C) have questions of you with regards to the
6 report? Did (b)(6)&(7)(C) come to you and ask you specific questions
7 concerning the report?

8 A Not that I can recall. I tried to kind of limit my
9 interaction with (b) (6), (b) (7)(C)

10 BY SA (b)(6)&(7)(C)

11 Q Okay. In this matter or just generally?

12 A In general.

13 Q Okay. And for what reason?

14 A I felt like (b)(6), (b)(7)(C) was trying to get involved too much
15 in the Congressional Affairs business, that I didn't think
16 that was part of (b)(6), (b)(7)(C)'s job description. And it would make it
17 confusing in general, like if we're dealing with staffers and
18 then (b)(6), (b)(7)(C) reaches out to the staffers. You know, not just on
19 this issue but on other issues.

20 You know, even on cases that were about
21 whistleblowers the staffers have our contact information and
22 we've tried, you know, in the IG instruction it says that
23 components are supposed to go through OCCL.

24 And I know (b)(6), (b)(7)(C) as well but, you
25 know, the Congressional Affairs tries to keep all of the

(b) (6), (b) (7)(C)- 8/19/13

1 congressional activity within our group so that we're aware
2 of everything because we have a database where we report
3 things. And then if he gets inquiries he didn't even always
4 share them with us.

5 Q Did (b)(6)&(7)(C) ever indicate to you that (b)(6)&(7)(C) provided a
6 draft of this, did (b) (6), (b) (7)(C) ever indicate to you that (b)(6)&(7)(C)
7 provided a draft report, a copy of this draft report to
8 anyone on the Hill?

9 A No (b)(6)&(7)(C) ever told me that.

10 Q Would it surprise you if that were the case?

11 A (No audible response.)

12 Q Let me rephrase the question. So did (b)(6)&(7)(C) you
13 mentioned that (b)(6)&(7)(C) had had some discussions with was it (b) (6), (b) (7)(C)
14 or with Hill staff? (b)(6)&(7)(C) kind of inserted (b)(6)&(7)(C) you said,
15 right?

16 A In general. But (b)(6)&(7)(C) had reached out to (b) (6), (b) (7)(C) to ask
17 (b) (6), (b) (7)(C) if (b)(6)&(7)(C) wanted a briefing on this review. And as far as
18 I knew (b) (6), (b) (7)(C) wasn't even involved in liaisoning this review
19 because it wasn't a whistleblower case.

20 Q So as time went on and this report continued to
21 progress through the IG did (b)(6)&(7)(C) stay involved in it?

22 A I don't think (b)(6)&(7)(C) was at the SSCI and SASC meetings,
23 so as far as I was aware, you know, kind of after (b)(6)&(7)(C)
24 outreach to (b) (6), (b) (7)(C) didn't see (b)(6)&(7)(C) having any other role with
25 the report.

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(b) (6), (b) (7)(C)- 8/19/13

1 Q I did see on some e-mail traffic (b) (6), (b) (7)(C) was cc'd (b) (6), (b) (7)(C)
2 was cc'd. That continued on, and I believe through the month
3 of December and possibly even later. Certainly through all
4 of December and possibly into January.

5 A Is that when (b) (6), (b) (7)(C) was reaching out to (b) (6), (b) (7)(C)

6 Q Yeah. Yeah, and during that we have some of the e-
7 mails where there was discussion with a bunch of you all on
8 it. So I guess given everything you saw did you ever get the
9 suggestion that (b) (6), (b) (7)(C) had provided this report to the Hill?

10 A No.

11 Q Okay.

12 A I was really surprised when this report leaked. I
13 didn't know anybody had sent it out, so.

14 BY SA (b) (6), (b) (7)(C)

15 Q Was (b) (6), (b) (7)(C) surprised?

16 A I didn't talk to (b) (6), (b) (7)(C) about it.

17 BY SA (b) (6), (b) (7)(C)

18 Q The individuals that work at POGO that wrote the
19 article, Adam Zagorin and David Hilzenrath are the two
20 authors' names. Do those names mean anything to you?

21 A Not to me, no.

22 Q Okay. Do you know where (b) (6), (b) (7)(C) went to
23 work? I understand (b) (6), (b) (7)(C) left the Hill.

24 A Yeah. I don't know where (b) (6), (b) (7)(C) went to. And I almost
25 thought, because at the meeting that we had with (b) (6), (b) (7)(C) was

(b) (6), (b) (7)(C)- 8/19/13

1 like very kind of in the face of, you know, SESSs. And I
2 didn't know if that had some bearing on (b)(6)&(7)(C) departure but I
3 found out later that it was, I guess (b)(6)&(7)(C) had had similar
4 behavior at a meeting with somebody else that is what led to
5 (b)(6)&(7)(C) (b)(6), (b)(7)(C) But I don't know where
6 (b)(6)&(7)(C) went to.

7 Q And so what was (b)(6)&(7)(C) complaint at the meeting? Was
8 that meeting specifically about this Zero Dark Thirty report?

9 A Right. Well, it's before the report was issued so
10 we were, you know, we had briefed them. It was an interim
11 briefing, not on the final report, but where we were at at a
12 stage in time. And since we had already briefed the
13 responses to the questions to Chairman King's staff we shared
14 with them that same information. And (b)(6)&(7)(C) just wanted more
15 information than we were, you know, at liberty to provide,
16 so.

17 Q Do you recall the date? And I know you have the
18 notes, which we'll get from you. Do you recall the date of
19 that meeting?

20 A I don't. I don't have a good feel for when it was.

21 Q Okay. That would presumably be in your notes,
22 though, you think?

23 A Yeah. Yeah, it definitely will.

24 Q Did you get the sense that (b)(6)&(7)(C) had already seen it?
25 Like looking back on it do you think (b)(6)&(7)(C) may have seen the

(b) (6), (b) (7)(C)- 8/19/13

1 report at that point, given (b) (6) & (7)(C) questions or (b) (6) & (7)(C) concerns?

2 A I don't remember thinking that.

3 Q Okay.

4 BY SA (b) (6) & (7)(C)

5 Q Was he provided a rough draft of the report by

6 (b) (6), (b) (7)(C) ?

7 A I don't think (b) (6), (b) (7)(C) would have had any dealings
8 with (b) (6), (b) (7)(C)

9 Q No, I'm talking about (b) (6), (b) (7)(C)

10 A Oh. I don't know who, I mean. We were e-mailing
11 around the draft within OCCL so, I mean, I don't know who. I
12 could have, I mean, anybody could have given it to (b) (6) & (7)(C) I
13 don't know who would have.

14 Q So (b) (6) & (7)(C) did have access to that?

15 A Yeah, I'm sure (b) (6) & (7)(C) did have access to the report.
16 Yeah.

17 BY SA (b) (6) & (7)(C)

18 Q Did (b) (6) & (7)(C) ever discuss the contents of the report with
19 you?

20 A No.

21 Q Okay. What about --

22 A Not that I can recall. Sometimes we had these
23 staff meetings that would go too in-depth on individual
24 matters and it could have been discussed at a staff meeting.
25 I probably said no too quickly. I mean, not (b) (6) & (7)(C) and I

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(b) (6), (b) (7)(C)- 8/19/13

1 specifically but maybe a larger group area, you know. It
2 could have been just, you know, "Oh, you know, we're really
3 late in getting this report out," or that kind of thing. But
4 not, you know.

5 I wasn't as involved in reviewing the report. Like
6 (b) (6), (b) (7)(C) was very, you know, (b) (6) & (7)(C) went through and
7 provided comments and suggestions and stuff like that. So (b) (6) & (7)(C)
8 did a much closer review of the report than I did. So I
9 wasn't as involved in, you know, discussing concerns about
10 the report because I wasn't kind of taking the lead on it
11 even though like I filled back. (b) (6), (b) (7)(C) and I kind of went
12 back and forth because (b) (6) & (7)(C) had (b) (6), (b) (7)(C) because of (b) (6) & (7)(C)
13 (b) (6) & (7)(C)

14 Q In terms of the interaction with the Hill was that,
15 aside from what we discussed with (b) (6), (b) (7)(C) between you and
16 (b) (6), (b) (7)(C) who was covering most of the Hill interactions?

17 A I think I did both the meetings with the SSCI and
18 SASC and I did, I think we maybe split the Chairman King
19 meetings. (b) (6) & (7)(C) probably did maybe the first one and then I was
20 backfilling (b) (6) & (7)(C) you know, (b) (6) & (7)(C)
21 (b) (6) & (7)(C)

22 Q Was Mr. Crane at the meeting with (b) (6), (b) (7)(C) where (b) (6) & (7)(C)
23 was getting, where (b) (6), (b) (7)(C) was kind of combative?

24 A I can't recall. I was almost thinking it was maybe
25 even after John left, but I don't have a good feel for when

(b) (6), (b) (7)(C)- 8/19/13

1 that was.

2 BY SA (b)(6)&(7)(C)

3 Q Now, you say all these meetings were documented?

4 A Yeah. Yeah.

5 Q And you have all the documents?

6 A Right.

7 Q Okay. You'll get those to us, right?

8 A Mm-hmm. Yes.

9 BY SA (b)(6)&(7)(C)

10 Q Have you spoken to Mr. Crane about either the,
11 about anything about this since it was released to POGO?

12 A No, I haven't.

13 Q Since it appeared on the POGO website?

14 A No. No.

15 Q Okay. Do you know if Mr. Crane and (b) (6), (b) (7)(C) have
16 talked about this report at all at any point?

17 A I wouldn't have any idea.

18 Q Okay.

19 A Because John left in January and the report didn't
20 come out until --

21 Q I think it was on the POGO website in June.

22 A June, yeah, something like that. Yeah.

23 Q What about back, I'm sorry I'm jumping around in
24 terms of time frame here. But going back into the December
25 time frame were Mr. Crane and (b)(6)&(7)(C) having meetings or

1 discussions about this report?

2 A I think it came up in discussions. I don't know if
3 they had separate meetings on it, you know. But, you know,
4 sometimes too we would say, I don't know if we had it in our
5 (inaudible) but we would go over some of the high visibility
6 projects and, you know, if things were not kind of on time
7 frame for when we had promised their release.

8 So I think, you know, there were general
9 discussions about the report. You know, just that we kept
10 saying it was going to be coming out and then it was falling
11 behind, so.

12 BY SA (b)(6)&(7)(C)

13 Q Here's a question. If that draft was released in a
14 December time frame is there any reason why they would have
15 waited until June to publish that?

16 A I don't know.

17 Q No?

18 A There's nothing I can think of. Yeah, because I
19 think, I'm not sure when we had the meetings with SSCI and
20 HPSCI. I think it was maybe in the spring sometime. Because
21 we were trying to time the release first because of the movie
22 premiere. Like originally I think ISPA thought that they
23 were going to be able to get the report out before the movie
24 premiere and then that didn't happen. So then we kept
25 getting calls from Chairman King's staff kind of, you know,

(
(
(b) (6), (b) (7)(C)- 8/19/13

1 asking for updates of when it was coming out.

2 BY SA (b)(6)&(7)(C)

3 Q Do you know (b)(6), (b)(7)(C) the SSCI?

4 A It was definitely after we briefed them on the
5 ongoing review. I think maybe a month or so after that.

6 Q Okay.

7 A Not too long after we had had the meeting, I don't
8 think.

9 Q Would there be something in your notes that you
10 would maybe be able to refer to to get a ballpark date?

11 A I can try to see, yeah, if I have anything, if I
12 have any e-mail on it or something.

13 Q Okay, that would be great. And then just a couple
14 of questions just to make sure we're clear. So Mr. Ives, I
15 believe, was the DIG, acting DIG in ISPA at the time that
16 this was all happening. Did he ever indicate that he would
17 authorize a draft of this report to be issued to anyone,
18 including the Hill?

19 A I don't, there was no discussion that I recall of
20 having the draft, I mean, having the report go final without
21 being issued a draft. That's one thing. But we never talked
22 about providing a copy of a, I mean, we just don't do copies
23 of reports to the Hill that are not final.

24 Q Sure. The reason I ask the question is the
25 instruction that we're referring to, the Congressional

1 Affairs instruction says that only under limited
2 circumstances if the DIG of the component that owns the
3 report expressly authorized it or if the IG authorized it. So
4 did --

5 A I think the only time that we've ever done that is
6 like if there's a legislative, like if there's some pending,
7 you know, the staff has some pending legislation or something
8 like that. That, you know, we have an ongoing report that
9 would impact that. And I don't even think we would give them
10 the report as much as maybe give them a briefing on findings
11 or something like that. But I've never seen that we've
12 shared a draft report.

13 Q And would (b)(6)&(7)(C) be aware of that?

14 A That we don't share draft reports?

15 Q Yes.

16 A Yeah. I mean (b)(6), (b)(7)(C) isn't Congressional Affairs but
17 I would imagine that (b)(6)&(7)(C) would know that policy because, I
18 mean, it was just, it's just something we would never think
19 to do.

20 Q Okay. And then a similar question. Did Ms.
21 Halbrooks ever, was there any indication that Ms. Halbrooks
22 authorized the release of this from, you know, sitting in,
23 since you sit in Congressional Affairs that's why I'm asking
24 you the question.

25 A Yeah. No. No.

(b) (6), (b) (7)(C)- 8/19/13

1 Q Okay. Okay.

2 BY SA (b)(6)&(7)(C)

3 Q And if they had this is something you would have
4 known?

5 A If, so if the front office wanted the report to be
6 issued they would have went ahead and made it a final report.
7 There's no reason to issue a, to share with the Hill a draft
8 report because if they were, you know, at the stage where it
9 was to be shared with the Hill they would have gone ahead.

10 Q And this is something that you would have known
11 because they would have told you, is that correct?

12 A Well, I mean, they don't tell me everything but I
13 would expect to have known that. I mean, yeah, there's a
14 chance they could make a decision and not tell me, I guess.

15 BY SA (b)(6)&(7)(C)

16 Q On this matter did Mr. Crane meet with any folks on
17 the Hill without you?

18 A Not that I can think of, no.

19 Q And other than the discussions we had, we already
20 spoke about between (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) do you know if
21 (b)(6), (b)(7)(C) went over to the Hill and met with anyone on this or had
22 other contacts?

23 A I can't imagine so, because (b)(6)&(7)(C) wasn't the subject
24 matter expert on it. You know, because we would only take,
25 you know, the subject matter experts to the Hill to kind of

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(b) (6), (b) (7)(C)- 8/19/13

1 brief on their review. So I'm sure that if (b)(6)&(7)(C) was going up
2 to the Hill with somebody from ISPA I would imagine that I
3 would have known about that.

4 Q Okay. Okay.

5 BY SA (b)(6)&(7)(C)

6 Q Also, do you have (b) (6), (b) (7)(C) communications
7 information?

8 A Where (b)(6)&(7)(C) is now?

9 Q Right, where (b)(6)&(7)(C) at, phone number.

10 A (b) (6), (b) (7)(C) would have that. I don't have it.

11 BY SA (b)(6)&(7)(C)

12 Q Do you know, switching gears slightly, anyone at
13 POGO named Angela Canterbury? Does that name --

14 A I've heard of her. I think she may have done a
15 briefing with the SIGI at some point. You know, we
16 occasionally deal with POGO so I think maybe on a different
17 request or something like that. She may have been involved
18 with the Drake request. I'm not for certain on that.

19 Q Do you know the WPEA, I think that's the
20 Whistleblower Protection Enhancement Act, I believe. Does
21 that, are you familiar at all with when that passed?

22 A Yeah, that was, I think it was in the 2013. I
23 think it was a stand-alone law.

24 Q Okay. In December do you know if POGO held a
25 celebration for that?

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(b) (6), (b) (7)(C)- 8/19/13

1 A It sounds vaguely familiar.

2 Q So you didn't attend it?

3 A Oh, no.

4 Q Okay. Do you know anyone, do you know if anyone
5 from the OIG did?

6 A I would imagine if they had a celebration of that
7 law being enacted they could definitely have invited (b) (6), (b) (7)(C)
8 (b) (6), (b) (7)(C) to that.

9 Q Okay.

10 A I mean (b) (6) & (7)(C) had, you know (b) (6) & (7)(C) was certainly the
11 person in the OIG with the most contact with, you know, POGO
12 and GAP and those entities as the (b) (6) & (7)(C)

13 (b) (6) & (7)(C)

14 Q Do you know if Mr. Crane went to that?

15 A I don't know.

16 Q Okay.

17 A Maybe, did they give (b) (6), (b) (7)(C) some special -- there was
18 something where (b) (6) & (7)(C) got some special recognition but I don't
19 know if it was in regards to that or if there was something
20 else.

21 Q POGO gave (b) (6) & (7)(C) recognition or --

22 A No, somebody gave (b) (6) & (7)(C) something. I don't know.

23 BY SA (b) (6) & (7)(C)

24 Q Was it (inaudible)?

25 A I just remember at a staff meeting Mr. Crane had

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(b) (6), (b) (7)(C)- 8/19/13

1 made mention to him being recognized, but I don't know if it
2 was by like a POGO or a GAP or something else. There was
3 some recognition for (b)(6)&(7)(C) in terms of outreach and stuff, I
4 guess. But it might not have been POGO. I don't know who it
5 was.

6 Q Let's see. I think that's it.

7 A Okay.

8 SA (b)(6)&(7)(C) Okay. All right. Do you have
9 anything else to add along the, anything that we didn't ask
10 you that we should have?

11 THE WITNESS: No, nothing I can think of.

12 SA (b)(6)&(7)(C) Okay.

13 THE WITNESS: So I'll try to get you, I'll get you
14 copies of the meeting minutes from the SSCI and SASC
15 briefings and I'll see if I have anything in my e-mail about
16 where (b)(6), (b)(7)(C) was no longer with the SSCI.

17 SA (b)(6)&(7)(C) Okay. And if you know, if you have
18 anything that would indicate where (b)(6)&(7)(C) is now.

19 THE WITNESS: Where (b)(6)&(7)(C) went to, yeah.

20 SA (b)(6)&(7)(C) That would be great.

21 THE WITNESS: Okay.

22 SA (b)(6)&(7)(C) Do you know anyone who would know
23 where (b)(6)&(7)(C) went now?

24 THE WITNESS: (b) (6), (b) (7)(C) (b)(6)&(7)(C)

25 (b)(6)&(7)(C) but I

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(b) (6), (b) (7)(C)- 8/19/13

1 don't know if (b)(6)&(7)(C) still does. (b) (6), (b) (7)(C)

2 SA (b)(6)&(7)(C) : Okay.

3 THE WITNESS: (b)(6)&(7)(C) not with OIG anymore.

4 SA (b)(6)&(7)(C) Okay.

5 THE WITNESS: But I can ask (b)(6)&(7)(C) knows.

6 SA (b)(6)&(7)(C) Okay. All right.

7 THE WITNESS: Because I think I had asked (b)(6)&(7)(C)

8 (b)(6)&(7)(C) who is a current SSCI staffer, and (b)(6)&(7)(C) wasn't sure.

9 This was, you know, a couple months ago.

10 SA (b)(6)&(7)(C) Okay, great.

11 SA (b)(6)&(7)(C) Okay. Other than administrative

12 matters have we discussed anything relating to this

13 investigation that's not a part of this tape-recorded

14 interview?

15 THE WITNESS: No.

16 SA (b)(6)&(7)(C) Have we made any promises or

17 representations to you that are not a part of this tape-

18 recorded interview?

19 THE WITNESS: No.

20 SA (b)(6)&(7)(C) Do you have any comment regarding the

21 manner in which we conducted this interview today?

22 THE WITNESS: No.

23 SA (b)(6)&(7)(C) This is an official inquiry. You are

24 under no obligation to disclose the nature of this interview

25 to others, including supervisors. Please do not discuss this

(b) (6), (b) (7)(C)- 8/19/13

1 inquiry or the questions, answers or discussions included in
2 this interview with anyone in order to avoid hindering our
3 further efforts.

4 I recommend that if anyone asks you about this
5 interview you may say, "I'm not at liberty to discuss what we
6 talked about." This does not apply to or restrict your
7 ability to contact an IG, your attorney, or a member of
8 Congress.

9 Do you have any questions concerning this
10 advisement?

11 THE WITNESS: No.

12 SA (b)(6)&(7)(C) Okay. And the time is 2:34 and that
13 concludes this interview.

14 (The interview was concluded at 2:34 p.m.)

15 * * * * *

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DEPARTMENT OF DEFENSE
OFFICE OF THE INSPECTOR GENERAL

ASSISTANT INSPECTOR GENERAL FOR THE
OFFICE OF PROFESSIONAL RESPONSIBILITY

DIGITAL TRANSCRIPTION

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X - - - - - X
:               :
:   INTERVIEW OF   :
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:   JAMES IVES     :
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Wednesday, August 7, 2013

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1 P R O C E E D I N G S

2 SA (b) (6), (b) (7)(C) Okay. All right. Good morning.

3 MR. IVES: Good morning.

4 SA (b) (6), (b) (7)(C) The time is 8:30 a.m. and today's date

5 -- this is the 7th of August, 2013. My name is (b)(6)&(7)(C)

6 I'm a special agent with the Office of Professional

7 Responsibility. Present with me today is also (b)(6)&(7)(C)

8 (b) (6), (b) (7)(C) with OPR, also a special agent, and we're here

9 conducting an interview of -- can you identify yourself?

10 MR. IVES: Sure. James Ives.

11 SA (b)(6)&(7)(C): Okay. And can you spell your last

12 name?

13 MR. IVES: I-v-e-s.

14 SA (b) (6), (b) (7)(C) Okay. Thank you, sir.

15 MR. IVES: Sure.

16 SA (b) (6), (b) (7)(C) Before going further, please raise your

17 hand so that I may swear you in.

18 MR. IVES: Sure.

19 Whereupon,

20 JAMES IVES

21 was called as a witness and, having been first duly sworn,

22 was examined and testified as follows:

23 SA (b) (6), (b) (7)(C) All right. Thank you, sir.

24 EXAMINATION

25 BY SA (b) (6), (b) (7)(C)

1 Q Now, we'll need you to acknowledge that you are
2 being recorded for this --

3 A Sure.

4 Q -- interview.

5 A I acknowledge that I'm being recorded and I'm fine
6 with that.

7 Q Okay. And to begin, can you just give us your full
8 name once again and --

9 A Uh-huh.

10 Q -- your job description.

11 A Right. James Richard Ives. Currently I serve as
12 the Assistant Inspector General for Investigative Operations
13 here at DoD-IG.

14 Q Okay. And how long have you been in that position,
15 sir?

16 A I've been in that position around three-and-a-half
17 years, I believe.

18 Q Okay. And what was the start date, if you can
19 recall?

20 A I -- boy, 2000 and -- 2009 and I believe it was
21 August and I could not give you greater specificity --

22 Q Okay.

23 A -- than that and that's an estimate. So --

24 Q Okay. No problem. Let's jump into the heart of
25 this matter here.

1 A Sure. Uh-huh.

2 Q Do you know what the Project on Government
3 Oversight is?

4 A I certainly do. Right.

5 Q Okay. And what is your understanding of that?

6 A It's an independent, nongovernment institution that
7 essentially -- you know, it's a situation whereby they report
8 to the public regarding issues --

9 Q Uh-huh.

10 A -- involving oversight of the government,
11 transparency within government, et cetera. Public --

12 Q Okay.

13 A -- or it's a private, I should say, institution.

14 Q Uh-huh.

15 A It's not a public, government-sponsored
16 institution. They have a -- you know, a pretty aggressive
17 web-based presence. I'm aware of that fact.

18 Q Okay. Can we characterize, if you understand it
19 this way, as a nonpartisan, independent watchdog group?

20 A Yeah. I think that's how they characterize
21 themselves, so --

22 Q Okay.

23 A -- yeah.

24 Q Do you know the names of any POGO, we'll call them,
25 employees?

1 A No, I don't. The only direct contact with POGO
2 that I've ever had, if you can even deem it to be direct
3 contact, is I recall at one point a POGO rep presenting at
4 some OIG sponsored event, but I've never had any direct
5 interaction other than that and that was just a participant
6 in the audience. So --

7 Q Okay.

8 A -- I couldn't give you the names of --

9 Q Okay.

10 A -- any POGO employee.

11 Q So no one that you can name at this time that you -
12 -

13 A No.

14 Q -- had direct contact with?

15 A No.

16 Q Is that correct? Okay. And have you had any
17 discussions with any others -- with any other DoD-IG
18 employees about POGO?

19 A Discussions regarding POGO? Well, for a period of
20 time, as you're aware, I served as the acting deputy of Intel
21 and Special Programs Assessments.

22 Q Uh-huh.

23 A So there's been discussions particularly, you know
24 -- as you're aware, POGO published a report that that group
25 is working on. Subsequent to the publication of the report,

1 there were discussions regarding the fact that they did that,
2 that they published an IG report, actually a draft IG report,
3 but --

4 Q Uh-huh.

5 A -- prior to that, I don't recall any specific
6 discussions regarding POGO.

7 Q And what was the date of that discussion you're
8 talking about?

9 A Oh, boy. After -- and again, I'm not -- I can't
10 really recall the dates, to be honest with you --

11 Q Uh-huh.

12 A -- but it was soon after POGO published the report
13 on the website and the discussions were along the lines of
14 POGO published the report on the website and we were
15 discussing the impact upon the assessments --

16 Q Uh-huh.

17 A -- with Ms. Halbrooks and such. I had already
18 moved back to my primary position at that point.

19 Q Uh-huh.

20 A I do recall that. And so I was -- although, you
21 know, I engaged in some conversations, I wasn't the head of
22 the --

23 Q Uh-huh.

24 A -- component at that point, so it was more in
25 passing than anything.

1 Q Okay. So what year was that?

2 A That was this year. Yeah. Yeah.

3 Q Okay. And around what month?

4 A Oh, boy. It was shortly after the report --

5 Q Uh-huh.

6 A -- was published.

7 Q And the report you're talking about is?

8 A The ISPA draft report regarding a review done at

9 the request of Representative King, so -- and it was a few

10 months ago. I can't recall the -- it's kind of a blur as far

11 as specific --

12 Q No.

13 A -- dates go, but it was within the last several

14 months.

15 Q Okay. Maybe this will help you out.

16 A Yeah. I think --

17 Q Are you aware of a DoD draft report about

18 accommodations being made with Hollywood filmmakers --

19 A Yes.

20 Q -- relative to the Bin Laden raid?

21 A Absolutely. Yes.

22 Q Okay. And is that the report, sir?

23 A That appears to be the report, correct. Yes.

24 Q All right.

25 A Yeah.

1 Q And did you read that report all the way through?

2 A Oh, yes, absolutely. In fact, again, my name is in
3 the signature block of this report. It's an -- it was a
4 draft report, obviously.

5 Q Uh-huh.

6 A And --

7 Q And is that the draft we're talking about?

8 A Yes, it is.

9 Q Okay.

10 A Let me just browse through it to confirm that, but
11 it -- on the face, it appears to be.

12 Q Uh-huh.

13 A Yeah, this appears to be the draft report --

14 Q Uh-huh.

15 A -- published by POGO.

16 Q There's a little stamp at the bottom of each page
17 in that report. Was that part of the draft or did someone
18 else put that there?

19 A The stamp that says "This is a draft report"?

20 Q Right.

21 A I don't recall, to be honest with you.

22 Q Okay.

23 A I don't -- I've reviewed, when I was serving in
24 ISPA, many versions of this.

25 Q Uh-huh.

1 A I don't specifically recall that stamp being on the
2 versions I reviewed --

3 Q Uh-huh.

4 A -- and I don't believe the ISPA component reps
5 traditionally place that stamp on --

6 Q Uh-huh.

7 A -- reports, but I might be mistaken. I --

8 Q Okay. When was the last time you saw that report?

9 A The last time I saw this report was in an
10 electronic version and it was obviously published on the POGO
11 --

12 Q Uh-huh.

13 A -- website. My initial -- initially my attention
14 was brought to it by, I believe, a copy of a report that was
15 included -- a media report that was included in the DoD-IG
16 Morning Report --

17 Q Uh-huh.

18 A -- and that was the first time that I -- it was
19 brought to my attention that POGO had published it.

20 Q Uh-huh.

21 A And then --

22 Q So when was that, sir?

23 A That's -- that's, again, a good question.

24 Q Right.

25 A It was a day or two after POGO published the report

1 a few months back. Yeah.

2 Q Okay. A few months back --

3 A It seems like it was a few months back, but it may
4 have been longer. I lose track of time.

5 Q That was this year?

6 A It was this year, yes, sir.

7 Q And this is August. So we're talking about, what,
8 the beginning of the summer, something like that?

9 A I left ISPA in March and I would say it was
10 sometime this summer. Yeah. Yeah. Yeah.

11 Q Okay. And the first time you saw it was when you
12 were with --

13 A When I was working in ISPA --

14 Q Okay.

15 A -- which was from July of 2000 -- well, I was at
16 ISPA through March of this year and I think -- I believe I
17 started there --

18 Q Uh-huh.

19 A -- the previous July. So --

20 Q Okay. Were you involved with the drafting of the
21 report?

22 A Yeah. Yeah, absolutely I was --

23 Q Okay.

24 A -- I was involved in the drafting --

25 Q Uh-huh.

1 A -- of the report. There were, as I mentioned,
2 several iterations of the report over time.

3 Q Did you make edits?

4 A Certainly, yep.

5 Q And as far as the handling, was that like a day-to-
6 day thing as far as --

7 A I didn't handle it on a day-to-day basis. What
8 would happen is I would review a version --

9 Q Uh-huh.

10 A -- provide some comments, send it back to the
11 action officers for, you know, potential revision or
12 consideration of revisions.

13 Q Uh-huh.

14 A And it -- there was a back and forth, but it
15 probably wasn't daily. It was -- you know, there were
16 periods where they'd be working on it. There were periods
17 where I would be taking a look at it, et cetera.

18 Q Did you make any copies of the report?

19 A No, I don't recall making any copies. I would
20 receive edits and such via --

21 Q Uh-huh.

22 A -- email primarily.

23 Q Uh-huh.

24 A I -- everyone within the component recognized the
25 fact this was a pretty sensitive report.

- 1 Q Uh-huh.
- 2 A Not classified, per se, but sensitive. So when I
- 3 worked on the report, it was within ISPA's office space --
- 4 Q Okay.
- 5 A -- whether it's on a computer or, you know, making
- 6 notes on a hardcopy, but I don't recall making copies.
- 7 Q Okay. Of part or whole?
- 8 A No. No. Most of the time I do my work on the
- 9 computer, so there's really not a need to make --
- 10 Q Now, did you provide any part of the draft report
- 11 to anyone?
- 12 A Within DoD-IG, yes, we provided copies of the draft
- 13 report --
- 14 Q Uh-huh.
- 15 A -- to Office of Communications and Congressional
- 16 Liaison to review --
- 17 Q Uh-huh.
- 18 A -- as well as Office of Counsel for review.
- 19 Q Okay. When you say "we," was that you?
- 20 A It wasn't me. I mean I would be aware of the fact
- 21 that drafts are being shared with them, but --
- 22 Q Okay.
- 23 A -- I wouldn't be handing them drafts. It was
- 24 traditionally --
- 25 Q Uh-huh.

1 A -- you know, a function of the team that was
2 working on the report.

3 Q The reason I say that is we're going to talk to
4 others, but we have to find out what each individual --

5 A Sure. No, that's fine.

6 Q Did you --

7 A No, I did not hand them copies of the report and I
8 don't recall sending them copies of the report either. I
9 would most likely ask to make sure, for example --

10 Q Okay.

11 A -- that OGC has got a copy of the report or --

12 Q Okay.

13 A -- OCCL.

14 Q Did you email any part of the draft to anyone?

15 A I don't recall emailing parts of the draft except
16 back and forth to the team members.

17 Q Uh-huh.

18 A I -- again, I may be mistaken, but typically if we
19 were going to send copies of drafts to components such as
20 OCCL or OGC, I typically ask --

21 Q Uh-huh.

22 A -- (b) (6), (b) (7)(C) or (b) (6), (b) (7)(C) or one of the team
23 members to send them a draft or get them a copy of the draft
24 whether in a hardcopy version or electronic version.

25 Q Can you check to see whether you have --

1 A Sure. Yeah.

2 Q -- done that? Okay.

3 A I can do that.

4 Q And do you have a personal email account?

5 A Yes, I do. Ready for that?

6 Q Yes, go right ahead.

7 A Okay. It's (b)(6)&(7)(C)

8 (b)(6)&(7)(C)

9 Q Okay. Other than the reasons we've already

10 discussed, is there any reason your email accounts would show

11 that you had access to the report, your home email?

12 A Oh, my home email accounts?

13 Q Yeah.

14 A Absolutely not. There should --

15 Q Okay.

16 A -- be no reason whatsoever.

17 Q Okay, but your work email, it may be there, it may

18 not, but you're going to check on that --

19 A Yeah.

20 Q -- as far as sending it to other folks?

21 A It will be in my email account certainly --

22 Q Uh-huh.

23 A -- because various iterations of the report were --

24 my work email account to clarify -- because that's how we

25 sent the --

1 Q Uh-huh.

2 A -- report back and forth, but, no, I don't recall

3 an instant where I had a need to send that to my personal

4 account.

5 Q Okay. Now, outside of DoD-IG --

6 A Right.

7 Q -- regarding the draft report or any elements of it

8 --

9 A Right.

10 Q -- have you discussed that with anyone or --

11 A No.

12 Q -- shared that with anyone?

13 A No. Aside from a couple of briefs we gave to

14 Chairman King's staff throughout the course of the --

15 Q Uh-huh.

16 A -- the review and those were very generic --

17 Q Okay.

18 A -- briefs, so no. No, other than that --

19 Q Okay.

20 A -- I don't recall discussing it with anyone outside

21 of --

22 Q And was that you we're talking about?

23 A It was me in conjunction with the team and I

24 believe --

25 Q Okay.

1 A -- while I was at Intel and Special Programs
2 Assessment, we briefed Chairman King's staff --

3 Q Uh-huh.

4 A -- twice, I believe.

5 Q Uh-huh.

6 A I'd have to go back to my notes to confirm that,
7 and at the latter stages, we also briefed, I believe, the
8 Senate Armed Services Committee --

9 Q Uh-huh.

10 A -- and the House -- I believe it's the House Intel
11 Committee. Again, very generic briefs.

12 Q Uh-huh.

13 A We didn't provide them copies of the report. So --

14 Q Okay. And as far as access to the report itself --

15 A Uh-huh.

16 Q -- who do you know that had access to it in
17 general?

18 A Okay. In general, all members of the team --

19 Q Uh-huh.

20 A -- that were actually working the project certainly
21 had --

22 Q Uh-huh.

23 A -- access to the report. I --

24 Q Do you have a list of them --

25 A (b) (6), (b) (7)(C) Do I have a list?

1 Q Yeah. If you have a list, you can share that list.
2 A Yeah. Yeah. Yeah. I'll give you that.
3 Q We'll get that list later.
4 A Yeah, it'd probably be more --
5 Q Okay.
6 A -- accurate if I'd give you a list.
7 Q Okay.
8 A So members of the team, there are probably, I don't
9 know, five, six members of the team. Their supervisory chain
10 --
11 Q Uh-huh.
12 A -- had access. It's not a, you know, huge chain,
13 (b) (6), (b) (7)(C) me, (b)(6)&(7)(C) They
14 all had access to include myself.
15 Q Okay.
16 A Certain individuals within Office of Communications
17 and Congressional Liaison had access to the report. They
18 received what some could argue to be too early a copy of the
19 report --
20 Q Uh-huh.
21 A -- because there was some confusion I believe at
22 some point regarding how close we were to releasing the
23 report.
24 Q Uh-huh.
25 A OCCL will always receive a copy, but it probably,

1 hindsight being 20/20, should've been a little bit later
2 once, you know, the versions had become, you know, worked
3 through a little bit --

4 Q Now --

5 A -- more.

6 Q -- did anyone ever come to you with some concerns
7 about the report or its content?

8 A Yeah. Well, concerns, yeah, I mean in conjunction
9 with the review process. OCC -- excuse me. Office of
10 General Counsel was -- I want to say continuously, but that
11 may be exaggerating. They were providing input throughout
12 the entire process.

13 Q Now, I don't want to keep you here this long, so --

14 A Uh-huh.

15 Q -- let me have the name of the person and maybe
16 their specific concern.

17 A (b) (6), (b) (7)(C) from OGC was providing input regarding
18 the report content --

19 Q Uh-huh.

20 A -- periodically. John Crane from OCCL received, as
21 I mentioned, a copy of the report and --

22 Q And his concern was?

23 A His concern -- we sat down at -- and I can go back
24 to my calendar and look at the date, but we sat down with --
25 John, Henry Shelley from Office of General Counsel, and I sat

1 down at one point. His concern, as I recall, was that the
2 report wasn't ready for publication and --

3 Q Uh-huh.

4 A -- I indicated that is true, that --

5 Q Uh-huh.

6 A -- the report is not ready for publication.

7 Q Uh-huh.

8 A In fact, I believe at that point I haven't -- I had
9 not even attempted to do edits on the report.

10 Q Uh-huh.

11 A Specifically I recall him commenting that there was
12 extraneous information in the report that didn't go directly
13 to --

14 Q Uh-huh.

15 A -- King's questions.

16 Q Now, did anyone ever come to you with a concern
17 that they thought it was ready to go out the door?

18 A Staff members -- well, I wouldn't say that they
19 were that specific. Certain staff members of (b) (6), (b) (7)(C) team, I
20 believe, were anxious to get the report out the door.

21 Q Names?

22 A Boy, I'm having a hard time recalling the names,
23 period.

24 Q Uh-huh.

25 A (b) (6), (b) (7)(C) I can't remember the name of the evaluator

1 on the team who was kind of the lead.

2 Q Uh-huh.

3 A (b) (6), (b) (7)(C) And this evaluator -- I can get back to you
4 with the name --

5 Q Okay.

6 A -- but the concerns were more along the lines of,
7 you know, "We put a lot of work into this report and it's --
8 we believe it's a good effort" --

9 Q Uh-huh.

10 A -- "on our part, so we need to" --

11 Q Uh-huh.

12 A -- "to get it done" --

13 Q Yeah.

14 A -- get the project done, get it out, et cetera.

15 Q We'll get back to you on those names.

16 A Yeah.

17 Q We'll need those.

18 A Yeah. Yeah.

19 Q Now, is there any reason your email accounts would
20 reveal that you shared the draft report with anyone outside
21 of DoD-IG?

22 A Certainly not, no.

23 BY SA (b) (6), (b) (7)(C)

24 Q And actually, before we go on any further, so --

25 A Yeah.

1 Q -- so, Jim, you've read the POGO article --

2 A Yeah.

3 Q -- regarding this?

4 A Uh-huh.

5 Q And are you familiar with kind of the concerns that
6 it highlighted?

7 A Yeah.

8 Q Did those concerns coincide with any concerns here
9 at the OIG that any folks here had?

10 A The gist of the POGO article, as I recall,
11 referenced the potential for political influence and such.

12 Q Uh-huh.

13 A And that was absolutely not the case, I can tell
14 you. Any "delays" in putting out this report were simply a
15 matter of individuals within this organization recognizing
16 the fact this is a critical report and we have to be accurate
17 and we have to answer the questions.

18 SA (b) (6), (b) (7)(C) Uh-huh.

19 THE WITNESS: And we also had various concerns
20 regarding the fact that to do a thorough review of this
21 matter, (b)(7)(E)

22 (b)(7)(E) It was a complicated
23 project and it was treated as such. It was, you know,
24 subject to review as it should be.

25 So I actually was a little angry when I read the

1 POGO report because I know the individuals at the senior
2 levels who were involved in this review were making a
3 concerted effort to ensure there was no political influence,
4 that there --

5 SA (b) (6), (b) (7)(C) Uh-huh.

6 THE WITNESS: -- was nothing but a focus on, you
7 know, producing an accurate report. So I wasn't surprised
8 because I've read a lot of those types of --

9 SA (b) (6), (b) (7)(C) Uh-huh.

10 THE WITNESS: -- reports where they try to draw
11 these conclusions based upon the fact that there's delays and
12 such, but, you know, it bothered me from the standpoint that
13 I'm proud of the fact that there was an effort --

14 SA (b) (6), (b) (7)(C) Uh-huh.

15 THE WITNESS: -- not to go down that road. So
16 that's my take on the POGO report.

17 SA (b) (6), (b) (7)(C) Uh-huh.

18 SA (b) (6), (b) (7)(C) : Okay.

19 THE WITNESS: So --

20 BY SA (b) (6), (b) (7)(C)

21 Q Now, these questions might seem a little pointed
22 here, but --

23 A Yeah.

24 Q -- we're not trying to --

25 A No, no, no. That's -- you ask me whatever you need

1 to ask me.

2 Q Okay.

3 A I'm fine.

4 Q Is there any reason your email account should show
5 that you had communication with an @pogo.org?

6 A No.

7 Q Okay. Is there any reason that any of the
8 multifunction machines in your office would reveal the draft
9 report in its memory?

10 A Oh, that's a good question. By multi, you mean --

11 Q Like the printers, multi --

12 A -- scanners, printers?

13 Q Uh-huh.

14 A I don't know. That's a possibility, I guess. The
15 draft report was not classified, so it's possible that
16 someone could've made copies on those machines certainly.

17 Q Now, are you aware of any misconduct associated
18 with the draft report?

19 A Misconduct within DoD-IG by our employees?

20 Q Anybody --

21 A I don't --

22 Q -- anywhere.

23 A Well, I mean the report was looking at potential
24 misconduct, so I'm just trying to clarify what the --

25 Q Well --

1 A -- I don't know of anyone within the IG that --
2 yeah, you might have to explain.

3 Q Okay.

4 BY SA (b) (6), (b) (7)(C)

5 Q Do you know who released the draft outside --

6 A No.

7 Q -- the --

8 A No, I do not know who released the draft.

9 SA (b) (6), (b) (7)(C) Okay.

10 THE WITNESS: I don't know, to be honest with you,
11 whether the draft was released by someone within DoD-IG or
12 not.

13 The one other thing I forgot to mention is at one
14 point the draft report was sent to a component within the
15 Department, one of the security offices within the
16 Department, for a classification review.

17 SA (b) (6), (b) (7)(C) Uh-huh.

18 THE WITNESS: So that is the one exception as far
19 as it going outside of DoD-IG and the congressional
20 committees and such that I talked about.

21 SA (b) (6), (b) (7)(C) Okay.

22 BY SA (b) (6), (b) (7)(C)

23 Q And do you know who that was that actually
24 delivered that or --

25 A No. It's a security office within the Department,

1 and the acronym's escaping me right now, but that they
2 utilize, as I understand it, on a regular basis to provide an
3 assessment --

4 Q Uh-huh.

5 A -- the classification assessment.

6 Q Okay.

7 A They're not original classifiers, obviously, within
8 this building. So that's, as I understand it, kind of par
9 for the course when they're doing these reviews.

10 Q Now, were you authorized by anyone to release the
11 draft report or any elements of it?

12 A No. No.

13 Q Are you aware of an unauthorized release that you
14 know of, someone --

15 A I'm aware of the fact that POGO somehow got a hold
16 of this draft report. So, you know, I would deem that to be
17 an unauthorized release --

18 Q Uh-huh.

19 A -- from the standpoint that it's a draft DoD-IG
20 report that I, as the head of the component at that time,
21 wasn't authorized to release. So --

22 Q So would it be fair to say that you didn't release
23 it to POGO?

24 A Yes, absolutely.

25 Q Would it be fair --

1 A Fair to say that.

2 Q -- say that you don't know anyone that does?

3 A No. I do not know who provided that report to
4 POGO; that's accurate.

5 Q And this might coincide with those questions, but -

6 -

7 A Sure.

8 Q -- do you know how it ended up there?

9 A Do I know how it ended up at POGO? No.

10 Q Okay.

11 A I don't.

12 Q All right. And the last question, do you have
13 knowledge of anyone who discussed the draft with someone at
14 POGO --

15 A No.

16 Q -- a third party?

17 A No, I don't.

18 Q Okay. Now, is there any questions that we might've
19 missed that you want to --

20 A No. I mean as I mentioned to (b) (6), (b) (7)(C) when I came in
21 --

22 Q Uh-huh.

23 A -- I wasn't aware of this review until you gave me
24 a call --

25 Q Uh-huh.

1 A -- but I'm glad you're looking at it --
2 Q Okay.
3 A -- because the thought that someone within DoD-IG
4 may have released it, although I don't have --
5 Q Uh-huh.
6 A -- any details nor do I truly have any specific
7 reason to believe that occurred --
8 Q Okay.
9 A -- it's pretty disturbing and --
10 Q Uh-huh.
11 A -- when I heard about that, obviously you begin
12 speculating as to what may have happened and the thought of
13 someone doing that angers me.
14 Q Uh-huh.
15 A I think whoever -- if someone within the IG did
16 that, they did a great disservice to the Department's IG. I
17 mean it's a -- you know, it was a working draft and --
18 Q Uh-huh.
19 A -- as you know, it wasn't at the point where it
20 should've been released and --
21 Q Uh-huh.
22 A -- that's what in my opinion led to the speculation
23 on the part of POGO --
24 Q Uh-huh.
25 A -- that there was some sort of nefarious --

1 Q Uh-huh.

2 A -- intent behind this, which was absolutely not the
3 case and --

4 Q Okay.

5 A -- I stand by that statement. There was no one
6 within this organization that was of the opinion, "Oh, we
7 have to control the timing of this because of political
8 concerns," or such. So --

9 Q Uh-huh. Okay.

10 SA (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

11 SA (b) (6), (b) (7)(C) Nope.

12 BY SA (b) (6), (b) (7)(C)

13 Q Okay. Let us read you out here.

14 A Okay.

15 Q Other than the administrative matters, have we
16 discussed anything relating to this investigation that is not
17 part of this tape recorded interview?

18 A No. No.

19 Q Have we made any promises or representations to you
20 that are not a part of this tape recorded interview?

21 A No.

22 Q Do you have any comment regarding the manner in
23 which we conducted this interview?

24 A No. I always find you --

25 Q Did we treat you okay?

1 A -- to be very professional. Yes. I would expect
2 nothing less.

3 Q Okay. This is an official inquiry. You are under
4 no obligation to discuss the nature of the interview to
5 others, including supervisors. Please do not discuss this
6 inquiry or the questions, answers or discussions included in
7 this interview with anyone in order to avoid hindering our
8 further efforts. I recommend that if anyone asks you about
9 this interview, you may say, "I am not at liberty to discuss
10 what we talked about." This does not apply to or restrict
11 your ability to contact an IG, your attorney or a member of a
12 congress.

13 Do you have any questions concerning that
14 advisement, sir?

15 A No, I do not.

16 Q This concludes this interview and the time is 8:55.

17 A Okay.

18 Q Okay.

19 (The interview was concluded at 8:55 a.m.)

20 * * * * *

21

22

23

24

25

7

(b)(6), (b)(7)(C)

OIG DoD

From: (b)(6), (b)(7)(C) OIG DoD
Sent: Friday, November 16, 2012 8:14 AM
To: (b)(6), (b)(7)(C) OIG DoD
Cc: (b)(6), (b)(7)(C) OIG DoD
Subject: FW: comm package: Inquiry into Release of Department of Defense Information to the Media
Attachments: Talking_Points_UBL docx (4).docx; UNCLASS_King_UBL_Report.pdf

(b)(6), (b)(7)(C)

Attached are the latest talking points that need to go into the package you have with the report.

Thanks,

(b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C) OIG DoD
Sent: Tuesday, November 13, 2012 1:34 PM
To: (b)(6), (b)(7)(C) OIG DoD; (b)(6), (b)(7)(C) OIG DoD
Cc: (b)(6), (b)(7)(C) OIG DoD
Subject: RE: comm package: Inquiry into Release of Department of Defense Information to the Media

(b)(6), (b)(7)(C)

Attached is the UNCLASSIFIED report and the updated talking points.

Some questions on my end:

- Are these talking points for internal use, or are you planning on distributing them outside of the OIG?
- How in-depth do these need to be?

Also a major point, at this time this report has not yet been signed by our DIG yet and has not been approved for release by the PDIG.

Thanks,

(b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C) OIG DoD
Sent: Tuesday, November 13, 2012 10:12 AM
To: (b)(6), (b)(7)(C) OIG DoD
Cc: (b)(6), (b)(7)(C) OIG DoD
Subject: RE: comm package: Inquiry into Release of Department of Defense Information to the Media

Thank you (b)(6), (b)(7)(C)

I have attached my draft with edits and a few additional questions/suggestions. I may have more depending on the draft report.

Let me know if you need any clarifications, I was just making assumptions/guesses on a few comments.

(b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C) OIG DoD
Sent: Tuesday, November 13, 2012 10:10 AM
To: (b)(6), (b)(7)(C) OIG DoD
Cc: (b)(6), (b)(7)(C) OIG DoD
Subject: RE: comm package: Inquiry into Release of Department of Defense Information to the Media

(b)(6), (b)(7)(C)

Please contact (b)(6), (b)(7)(C) regarding a copy of the draft report. Also, when you have a draft communications package, we would be happy to review with you.

Thanks,

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

Office of the Deputy Inspector General
for Intelligence and Special Program Assessments
Department of Defense
703-699-(b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C) OIG DoD
Sent: Friday, November 09, 2012 1:02 PM
To: (b)(6), (b)(7)(C) OIG DoD
Cc: (b)(6), (b)(7)(C) OIG DoD
Subject: RE: comm package: Inquiry into Release of Department of Defense Information to the Media

(b)(6), (b)(7)(C) I am including (b)(6), (b)(7)(C) for this report on this email, (b)(6), (b)(7)(C) along with (b)(6), (b)(7)(C) are out today and will return on Tuesday, (b)(6), (b)(7)(C) will contact you then to arrange a discussion of this matter.

(b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C) OIG DoD
Sent: Friday, November 09, 2012 11:32 AM
To: (b)(6), (b)(7)(C) OIG DoD; (b)(6), (b)(7)(C) OIG DoD
Cc: (b)(6), (b)(7)(C) OIG DoD
Subject: comm package: Inquiry into Release of Department of Defense Information to the Media

(b)(6), (b)(7)(C)

I am working on the communications package for the "Inquiry into Release of Department of Defense Information to the Media" report. Is there a draft of the report (or at least the RIB) that I could view to familiarize myself with the content and write additional questions the media may ask?

Thank you,

(b)(6), (b)(7)(C)

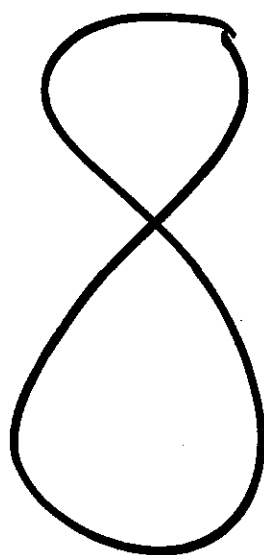
(b)(6), (b)(7)(D) Public Affairs

Department of Defense

Office of the Inspector General

(b)(6), (b)(7)(C) @dodig.mil

703-698-~~990~~(b)(6), (b)(7)(C)



(b)(6), (b)(7)(C)

OIG DoD

From: Crane, John R., SES, OIG DoD
Sent: Thursday, December 06, 2012 1:59 PM
To: (b)(6), (b)(7)(C) @DODIG.MIL
Subject: FW: Digits of King/UBL Report
Attachments: UNCLASS_Report.pdf; FOUO_Report.pdf

FYI Attached is the draft report of phase I of our efforts. Phase I responds to the questions from Chairman King. I made edits last week. I am sure the Intelligence staffs will be interested when it is released. With a SEFDEF memo this is getting close to final.

From: (b)(6), (b)(7)(C) OIG DoD
Sent: Thursday, December 06, 2012 1:49 PM
To: Crane, John R., SES, OIG DoD (b)(6), (b)(7)(C) OIG DoD
Subject: FW: Digits of King/UBL Report

FYI

Thanks,

(b)(6), (b)(7)(C)
Congressional Liaison
Office of the Inspector General
Department of Defense
(703) 604-6044 (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)@dodig.mil

From: (b)(6), (b)(7)(C) OIG DoD
Sent: Thursday, December 06, 2012 12:53 PM
To: (b)(6), (b)(7)(C) OIG DoD; (b)(6), (b)(7)(C) OIG DoD
Cc: (b)(6), (b)(7)(C) OIG DoD
Subject: Digits of King/UBL Report

(b)(6), (b)(7)(C)

Just so you have them on digits as well in case you would like to refer back to them. Also I wanted to confirm these incorporate the Joint Staff's OCA and NSA's OCA reviews as well as (b)(6)&(7)(C) legal thoughts on the FOUO portion markings.

Cheers,

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C), (b)(5)

9

From: (b) (6), (b) (7)(C) OIG DoD
Sent: Friday, December 07, 2012 10:31 AM
To: Crane, John R., SES, OIG DoD
Subject: RE: Digits of King/UBL Report
Signed By: (b) (6), (b) (7)(C)@dodig.mil

This has to be some of the worse writing I have ever seen; it seems written to obscure . . .

(b) (6), (b) (7)(C)

(b)(6)&(7)(C)
Office of the Inspector General
U.S. Department of Defense
4800 Mark Center Drive, Suite (b) (6), (b) (7)(C)
Alexandria, VA 22350-1500

(b) (6), (b) (7)(C)@dodig.mil
Tele: (703) 604 (b) (6), (b) (7)(C)
Facs: (703) 602 (b) (6), (b) (7)(C)

"Advancing Whistleblowing & Transparency in the Cause of the Nation's Defense."

From: Crane, John R., SES, OIG DoD
Sent: Thursday, December 06, 2012 1:59 PM
To: (b) (6), (b) (7)(C) OIG DoD
Subject: FW: Digits of King/UBL Report

FYI Attached is the draft report of phase I of our efforts. Phase I responds to the questions from Chairman King. I made edits last week. I am sure the Intelligence staffs will be interested when it is released. With a SEFDEF memo this is getting close to final.

From: (b) (6), (b) (7)(C) OIG DoD
Sent: Thursday, December 06, 2012 1:49 PM
To: Crane, John R., SES, OIG DoD; (b) (6), (b) (7)(C) OIG DoD
Subject: FW: Digits of King/UBL Report

FYI

Thanks,
(b) (6), (b) (7)(C)
Congressional Liaison
Office of the Inspector General
Department of Defense
(703) 604 (b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)@dodig.mil

From: (b) (6), (b) (7)(C) OIG DoD
Sent: Thursday, December 06, 2012 12:53 PM
To: (b) (6), (b) (7)(C) OIG DoD; (b) (6), (b) (7)(C) OIG DoD
Cc: (b) (6), (b) (7)(C) OIG DoD
Subject: Digits of King/UBL Report

(b) (6), (b) (7)(C)

Just so you have them on digits as well in case you would like to refer back to them. Also I wanted to confirm these incorporate the Joint Staff's OCA and NSA's OCA reviews as well as (b) (6), (b) (7)(C) legal thoughts on the FOUO portion markings.

Cheers,

(b) (6), (b) (7)(C)

DEPARTMENT OF DEFENSE
OFFICE OF INSPECTOR GENERAL

ASSISTANT INSPECTOR GENERAL
FOR THE OFFICE OF PROFESSIONAL RESPONSIBILITY

DIGITAL TRANSCRIPTION

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X - - - - -X
:
: TELEPHONIC INTERVIEW
:
: OF
:
: (b)(6)&(7)(C)
:
:
X - - - - -X
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Thursday, September 5, 2013

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1101 Sixteenth Street, N.W., Second Floor
Washington, DC 20036
(202) 467-9200

1 P R O C E E D I N G S

2 SPECIAL AGENT (b)(6)&(7)(C) All right. Good afternoon.

3 The time is 7 minutes after 3. Today's date is September

4 the 5th, 2013. My name is Special Agent (b)(6)&(7)(C) I'm

5 with DCIS assigned to the Office of Professional

6 Responsibility. Present with me today is the (b)(6)&(7)(C)

7 (b)(6)&(7)(C) This is a teleconference

8 interview and it's the interview of -- can you state your

9 name and spell your last name please? And that's you (b)(6)&(7)(C)

10 (b)(6)&(7)(C)

11 THE WITNESS: My name is (b)(6)&(7)(C) last name

12 is (b)(6)&(7)(C)

13 SPECIAL AGENT (b)(6)&(7)(C) And your (b)(6)&(7)(C)

14 (b)(6)&(7)(C)

15 THE WITNESS: (b)(6)&(7)(C)

16 SPECIAL AGENT SMALLS: Okay. Before we go any

17 further, I'm going to swear you in.

18 Whereupon,

19 (b)(6)&(7)(C)

20 was called as a witness and, having been first duly sworn,

21 was examined and testified as follows:

22 SPECIAL AGENT (b)(6)&(7)(C) Okay. Thank you. And I

23 also need you to confirm that you are aware we're recording

24 this conversation.

25 THE WITNESS: Yes.

1 EXAMINATION

2 BY SPECIAL AGENT (b)(6)&(7)(C)

3 Q Okay. Now, for a little bit of background
4 information, can you tell us your place of employment now and
5 your previous place of employment, and your previous job
6 description and your current job description?

7 A Yes, I am currently (b)(6)&(7)(C)

8

9

10

11

(b)(6)&(7)(C)

12

13

14

15

16 Q Okay. Well, congratulations on that.

17 A Thank you.

18 Q And when (b)(6)&(7)(C) how long were you in
19 that position?

20 A I started in (b)(6)&(7)(C) and I stopped early (b)(6)&(7)(C)
21 (b)(6)&(7)(C)

22 Q And your specific duties (b)(6)&(7)(C) with the DoD-
23 IG were what?

24 A Um. Most of what I did was probably related to the
25 (b)(6)&(7)(C) I would

1 also assist with (b)(6), (b)(7)(C)
2 (b)(6), (b)(7)(C) with [inaudible]
3 (b)(6), (b)(7)(C) as well.

4 Q And let's get to the heart of the matter. Are you
5 aware or do you know what the project on government oversight
6 is?

7 A Yes.

8 Q Can you tell us your impression or what you believe
9 that to be?

10 A My impressions are of POGO, as they go by, they're
11 non-government, basically a watchdog organization. They like
12 to keep tabs on what's going on in the government and sort of
13 rally for support for more oversight.

14 Q And do you know any of the names of any of the
15 people at POGO, their employees?

16 A I think I met them at an event once, but I don't
17 know them or know what their names are at this point.

18 Q Well, tell us the last time you had contact with
19 someone from POGO.

20 A Um. I believe it was at the Newseum in Washington,
21 D.C. They were having a Freedom of Information Day. It was
22 for the anniversary of the FOIA Act. I believe they had
23 several people from their staff there who I was shaking hands
24 with. I don't really recall, but I think that's probably the
25 last time I met anyone face to face.

1 BY SPECIAL AGENT (b)(6)&(7)(C)

2 Q If I may, were you there while you were (b)(6)&(7)(C)

3 (b)(6)&(7)(C)

4 A Yes, I went with (b)(6)&(7)(C) as part of a
5 workday event.

6 Q Was anyone else from the Office of IG there that
7 day with you guys?

8 A No, we were the only two from the DoD IG.

9 SPECIAL AGENT (b)(6)&(7)(C) Okay. Thank you.

10 BY SPECIAL AGENT (b)(6)&(7)(C)

11 Q And what was that date again that you went to that
12 affair?

13 A Um. It was in April. I am not sure what the
14 actual date was.

15 Q Now, have you had any discussions with other DoD IG
16 employees about POGO?

17 A Um. I do not believe so, other than what they were
18 when the other task I would work on is the morning report,
19 and so most of my experience with POGO was finding articles
20 that they had written about DoD IG and putting that into the
21 morning report, so any discussion I had with all of you
22 related to a specific article that POGO had written.

23 Q Now, are you aware of a DoD IG draft report about
24 accommodations being made with Hollywood filmmakers relative
25 to the Bin Laden raid?

1 A Yes, I have seen that report.

2 Q Now, what was your involvement with that report?

3 A I was asked to help with the Q and A portion and
4 the media package, the media package that goes along with the
5 report. So I made a copy of the draft report and was asked
6 for help, and didn't come up with any additional questions
7 for the Q and A and the media package for the report.

8 Q Now, who made that request of you?

9 A I am not sure. I believe it may have been an
10 instance where (b)(6)&(7)(C) was not in town and someone
11 asked me to have a look at it. I did have e-mails back and
12 forth with one of the people who was actually writing the
13 report. Again, I'm not sure who it was. I just remember
14 looking at it. I came up with something to edit and sent it
15 back to them, and I don't think I heard anything back again.

16 Q Okay. We'll get to a couple of names that might
17 refresh your memory, but tell us when you first had access to
18 that draft report.

19 A It would have been several months ago. It was
20 definitely in 2013, probably between February and April. I'm
21 trying to remember. I remember definitely this year, but I
22 couldn't tell you this month.

23 Q Now, did you have access to any of the draft
24 reports before 2013?

25 A I did not know. If I did it was still like a meet

1 your clients or I just looked at the immediate package and
2 not an actual draft report. I was certainly aware of it, but
3 I don't think we really started working on it until it became
4 close to being a final product.

5 Q Now, we're going to get around to a couple of e-
6 mails that might help with your memory on that, but do you
7 recall we last had access to that draft report?

8 A I would think that it would probably have been in
9 March, April.

10 Q Now, did you make copies of the report or any parts
11 of the report?

12 A No. I don't think I ever printed it out. I made
13 any comments and changes on the report and e-mailed it back.

14 Q Have you provided anyone with part or the whole
15 draft report?

16 A No.

17 Q Have you e-mailed any part of the draft report to
18 anyone?

19 A No one other than the person who authored the
20 report who I was sending it back to.

21 SPECIAL AGENT (b)(6)&(7)(C) Okay. Now, (b)(6)&(7)(C) did you
22 have something?

23 SPECIAL AGENT (b)(6)&(7)(C) Yeah. Who was that
24 individual?

25 THE WITNESS: I am not sure of the person's name.

1 There's no one at the IG who I ever met fact to face. I
2 remember getting an e-mail request from.

3 SPECIAL AGENT (b)(6)&(7)(C) Okay. I have a couple of e-
4 mails here, some that you sent, and I'll read them to you and
5 maybe just to help you out. I know it was a long time ago.
6 So, all right. Now, this one e-mail, which was drafted by
7 you on the 20th of November 2012, and it was from you to (b)(6)&(7)(C)
8 (b)(6)&(7)(C) and cc'd to (b)(6)&(7)(C)

9 And it says, (b)(6)&(7)(C) I got back a revision from
10 (b)(6)&(7)(C) on my initial edit. There are some grammar
11 discrepancies. (b)(6)&(7)(C) wants to capitalize words like Chairman,
12 but I think it looks okay. I am reviewing a draft of the
13 actual report, now, to see if there are any additions
14 necessary. I've attached my original draft along with (b)(6)&(7)(C)
15 revision." Now, as an attachment, there are talking points,
16 and this says "UBL," and docs, and it's "TalkingPoints UBL
17 Draft 2." Does that help you?

18 A Yes, I guess that was the timeframe that I was
19 referring to. I think someone through (b)(6)&(7)(C) sent the
20 report probably to (b)(6)&(7)(C) and I think that's probably how it
21 came to me from (b)(6)&(7)(C) And I looked to (b)(6)&(7)(C) very briefly for
22 grammar and then I look at it for the talking points in the Q
23 and A. So, yeah. That's why I remember that.

24 Q Now, even earlier than that on November 13, 2012,
25 this is an e-mail from you to (b)(6)&(7)(C) Do

1 you know (b)(6)&(7)(C)

2 A (b)(6)&(7)(C)

3 Q Yeah. (b)(6)&(7)(C) -- you call (b)(6)&(7)(C) You call (b)(6)&(7)(C)
4 (b)(6)&(7)(C) in your e-mail. Does that help?

5 A I don't remember (b)(6)&(7)(C) That must have been
6 someone who was out by the [inaudible](b)(6), (b)(7)(C)

7 Q Okay. Well, let me read it to you. Maybe that'll
8 help.

9 A Okay.

10 Q Now, the e-mail came from you. The date was
11 November the 13th, 2012, and it's to (b)(6)&(7)(C)
12 and it's cc'd to (b)(6)&(7)(C) and (b)(6)&(7)(C) All right?
13 And in the e-mail you say "Thank you, (b)(6)&(7)(C) I have attached
14 my draft with edits and a few additional questions,
15 suggestions. I may have more depending on the draft report.
16 Let me know if you need any clarification. I was just
17 making assumptions, guesses on a few comments. (b)(6)&(7)(C) All
18 right?

19 A Correct.

20 Q And the subject was communication packets, inquiry
21 into release of Department of Defense Information to the
22 Media. Does that ring any bell?

23 A Yes. Yes, that would've been the original task
24 before I sent it to (b)(6)&(7)(C) When I sent it to (b)(6)&(7)(C), you
25 know, I don't think (b)(6)&(7)(C) was UC'd in the e-mail you just read,

1 and (b)(6)&(7)(C) wanted to know what I had told them. So, basically,
2 it was the same draft that I had done previously. The first
3 e-mail you read was me sending the same thing to (b)(6)&(7)(C)
4 It's to one of my supervisors to see what I had done for
5 (b)(6)&(7)(C)

6 I don't believe I ever met (b)(6)&(7)(C) in person.
7 This was just an e-mail conversation. I think (b)(6)&(7)(C) was
8 the one who maybe originally requested that I assist with it,
9 which is why I cc'd (b)(6)&(7)(C) And when (b)(6)&(7)(C) was out of town at
10 that time, I think (b)(6)&(7)(C) was my acting supervisor, which is
11 probably why (b)(6)&(7)(C) was cc'd.

12 Q Hm-hmm. So you talked to (b)(6)&(7)(C) relative to the
13 report. Correct?

14 A Yes.

15 Q Okay. And we'll get back to that. I just want to
16 read you another e-mail, and this was on the 9th, so it's
17 dates previous to the other two. And it's from you on
18 November the 9th, 2012, to (b)(6)&(7)(C) and (b)(6)&(7)(C)
19 And you cc'd (b)(6)&(7)(C) in this one also.

20 A Correct.

21 Q The substance was the same as the others, and you
22 say, (b)(6)&(7)(C) I'm working on the communications
23 package for the inquiry into the release of Department of
24 Defense information to the media report. Is there a draft of
25 the report or that I could view to familiarize myself with

1 the content and write additional questions to me they may
2 ask."

3 A Yes.

4 Q You recall that, or do you?

5 A Yes, yes, and at that point they had just sent me a
6 communications package, but I had no idea what the report was
7 about. I couldn't actually come up with any answers to any
8 questions about the report, so I requested to see the draft.

9 Q Okay. And they sent you a copy of the draft?

10 A Yes.

11 Q Okay. Now was that the first time you received a
12 copy of the draft?

13 A I believe so.

14 Q Okay. Now, taking a step back, you mentioned (b)(6)&(7)(C)
15 (b)(6)&(7)(C) Did (b)(6)&(7)(C) request you to send (b)(6)&(7)(C) a copy of the draft?

16 A I do not believe (b)(6)&(7)(C) specifically requested a copy
17 of the draft. (b)(6)&(7)(C) just requested that I cc (b)(6)&(7)(C) in
18 conversations I was having with them.

19 Q Now, did (b)(6)&(7)(C) receive a copy of the draft from you by
20 that means?

21 A No. I only -- I (b)(6)&(7)(C) received a copy of the draft
22 through the cc's, it's awful, but I don't remember if I was
23 sending the draft back or just the communication package and
24 my attachment. I'm not sure what was actually in my
25 attachment. I did not provide (b)(6)&(7)(C) on a one on one basis with

1 the report.

2 Q Okay. Well, in the e-mail from November the 20th,
3 (b)(6)&(7)(C)s cc'd there and there are two attachments.

4 A Okay. And one indicates UBL Draft 2.

5 Q Okay. Would that have been the draft that you sent
6 both (b)(6)&(7)(C)

7 A Yes.

8 Q Okay. So you did send (b)(6)&(7)(C) a copy of the draft in
9 other words?

10 A Yes.

11 Q Okay. And did you and (b)(6)&(7)(C) have any discussion
12 about that draft afterwards?

13 A No. I don't believe it, but I think (b)(6)&(7)(C) just told
14 me that we discussed a communications package for it. Not
15 really to report the communications package was really my
16 task. You know, (b)(6)&(7)(C) told me it was -- you know -- basically
17 I was just kind of doing it for accountability purposes. (b)(6)&(7)(C)
18 perceived that I had done it and I think that's the only
19 interaction we had about it. We didn't discuss it or
20 anything.

21 Q Okay. And, further, on that particular topic, that
22 was on the 20th that you sent this draft or you indicated in
23 your e-mail as an attachment was the draft. But there is an
24 e-mail that went out that indicated -- and they were talking
25 about you. I won't give you the names on the e-mail, but

1 they said it's odd that (b)(6)&(7)(C) didn't send you the draft and
2 they're talking about (b)(6)&(7)(C) that you didn't send (b)(6)&(7)(C) the
3 draft with your edits as (b)(6)&(7)(C) knows that it is the process
4 when I'm not around. Do you know anything about that?

5 A (b)(6)&(7)(C) said it was odd that I did or that I did not?

6 Q That you did not.

7 A Um. For the communications package, I worked on
8 several communication packages. Usually what I would do,
9 (b)(6)&(7)(C) would send it to me. If there was a draft report at
10 that point (b)(6)&(7)(C) would give the draft report and I would look
11 at all that. I would make any edits and then I would send
12 the communications package back to (b)(6)&(7)(C) You know. If it was
13 a catch to the draft report, and it would be the document and
14 usually the communications package was separately. So that's
15 how I would normally do things, and I'm not really sure of
16 too much other than that, and I worked on a lot of these. So
17 it's kind of hard to distinguish one from another in my head.

18 Q So I think the point is that when (b)(6)&(7)(C) was
19 not around, you were saying that (b)(6)&(7)(C) was your immediate
20 supervisor?

21 A During that time period, yes, before (b)(6)&(7)(C)
22 was hired. Either (b)(6)&(7)(C) or (b)(6)&(7)(C) would be my
23 immediate supervisor and that person who was (b)(6)&(7)(C) tax
24 backup changed quite a few times during my tenure there. So
25 (b)(6)&(7)(C) was the backup for that time period. So I would usually

1 [inaudible] (b)(6)&(7)(C) as I would (b)(6)&(7)(C)

2 Q Okay. And (b)(6)&(7)(C) was the one that suggested
3 that you cc (b)(6)&(7)(C) on any of the issues relative to this draft
4 report or everything?

5 A Everything -- not just the draft report. Anytime I
6 was e-mailing anyone outside of OCCL, I usually would cc (b)(6)&(7)(C)
7 or (b)(6)&(7)(C) depending on who's there.

8 Q And when I asked you the question earlier
9 concerning you having discussion with (b)(6)&(7)(C) about this
10 draft, what was the nature of those discussions?

11 A As I recall, it was just discussion of what have
12 you done for the communications package so far, and I would
13 say this is how long it would take. I don't think we
14 discussed any thing, specifically, in the report, just more a
15 timeline of my editing task.

16 Q Now, did (b)(6)&(7)(C) say (b)(6)&(7)(C) had received a copy of the draft
17 that you sent?

18 A I do not recall that being discussed.

19 Q Did (b)(6)&(7)(C) have any comments relative to the contents
20 within the draft?

21 A I do not think so as I recall.

22 Q You did the edits. Correct?

23 A I did put some editing into our changes. I never
24 received a response back from the report team. So I don't
25 know if anything I did was actually implemented, but that's

1 what I provided them with.

2 Q Did (b)(6)&(7)(C) or anybody else comment to you relative
3 to the edits you have completed?

4 A No.

5 Q Now, did you e-mail this draft to anyone else?

6 A No.

7 Q Do you have a personal e-mail account?

8 A I do.

9 Q Now, other than reasons we already discussed, is
10 there any reason your e-mail accounts would show that you had
11 access to the report?

12 A Not.

13 Q Now, you said you received that report by e-mail.
14 Is that correct?

15 A Yes.

16 Q And you forwarded it to some people. Correct?

17 A Yes.

18 Q Which included (b)(6)&(7)(C) correct?

19 A Yes.

20 Q Did you forward it to a Mr. Crane?

21 A It's possible, if I was [inaudible] to you or from
22 (b)(6)&(7)(C) and (b)(6)&(7)(C) and Mr. Crane were pretty
23 much my three levels of supervisor at that time. So
24 oftentimes all three of them would be cc'd on e-mail if one
25 was, so I couldn't tell you specifically that I remember; but

1 it would not be unlikely for all three of them to have
2 received it.

3 Q Did you know the names of everyone who had access
4 to the report?

5 A No.

6 Q Have you talked with anyone outside of DoD-IG
7 regarding the draft report?

8 A No.

9 Q Neighbors, family, anyone?

10 A No.

11 Q Okay. And the names of the people that you
12 personally know had access to the report are?

13 A (b)(6)&(7)(C) and possibly Mr.
14 Crane.

15 Q Anyone else?

16 A Not that I'm aware of.

17 Q How about (b)(6)&(7)(C)

18 A Well, yes, I think (b)(6)&(7)(C) was on the team that was
19 working on the report. So (b)(6)&(7)(C)

20 Q Okay. And that's who you received the report from.
21 Is that correct?

22 A That's correct.

23 Q Now, did you read the article that the draft report
24 was a part of, the POGO article?

25 A Yes.

1 Q Okay. And what did you derive from that article?

2 A Um. Well, I believe that article had something
3 from the draft report in it. I don't remember the whole
4 thing. I remember it was around the time of the release of
5 the [inaudible] movie, and it was about the director and
6 whether or not they had a [inaudible] access, I believe was
7 the terminology to the military to complete the movie.

8 Q What was the point of the article?

9 A The point of the article, as I recall, I think it
10 was saying that DoD did not give them a [inaudible] access,
11 that they gave the normal amount of [inaudible] they would to
12 any other movie or art production. If I remember the correct
13 article, there were a lot of articles about the subject.

14 SPECIAL AGENT (b)(6)&(7)(C) One article in
15 particular where the draft report was posted on a POGO
16 article and on their website, and in that article there were
17 some -- the article raised concerns that the IG was delaying
18 the release of the report. Do you remember that particular
19 article?

20 THE WITNESS: Yes. Do you know what timeframe this
21 article came out? That might help me figure out which one
22 we're talking, because it's not the first article POGO wrote
23 about it.

24 SPECIAL AGENT (b)(6)&(7)(C) June the 4th, 2013.

25 THE WITNESS: June the 4th, 20--

1 SPECIAL AGENT (b)(6)&(7)(C) 13.

2 THE WITNESS: 2013. Now, I don't recall that, and
3 I think I may be thinking about a different article. At that
4 point, I had already left the IG and I don't recall reading
5 POGO very frequently after I left.

6 BY SPECIAL AGENT (b)(6)&(7)(C)

7 Q Do you remember while you did work at the IG or
8 after, if you kept in touch with people, did anyone from the
9 IG express to you that the report was being delayed or that
10 it was taking too long, that kind of thing?

11 A I was in the IG. I had, you know, I had heard that
12 the report was ready but it was not being released. I
13 thought this was due to the new -- was it the new director of
14 ISPA coming in or something and wanted to look at it? I
15 wasn't sure, but at the time I reviewed the article for the
16 communications package, you know, the communications package
17 until a report is close to being completed.

18 And so it was thought at the time the report was
19 going to come out, and then it did not, but I don't remember
20 why. You know. The reporters -- it's their belief they
21 exchanged all the [inaudible], so I didn't think it was
22 unusual or heard anyone say anything that it was unusual.

23 Q Did anyone say to you we think the report is ready
24 to go?

25 A No.

1 BY SPECIAL AGENT (b)(6)&(7)(C)

2 Q When you were there, did you have general
3 conversation with any of the people at DoD IG relative to the
4 draft report and it being released?

5 A No. The only person I would have discussed it with
6 would have been (b)(6)&(7)(C) We produced a monthly
7 newsletter and always put their upcoming reports in there
8 when they're planning to release them the next 30 days. So
9 that report was in the pipeline and for whatever reason, we
10 thought it was close to completion. We would usually inquire
11 about it every month when writing the newsletter, so(b)(6)&(7)(C)
12 would tell me when I would have inquired about it with(b)(6)&(7)(C)
13 just to see if it would be something we're printing in the
14 newsletter.

15 Q Did you have access to cell phones of any of the
16 DoD-IG employees?

17 A Of other DoD-IG employees?

18 Q Yes.

19 A No.

20 Q And you did have an e-mail account. Right?

21 A Yes, I --

22 Q Go ahead.

23 A Yes, I had an e-mail account and I had a BlackBerry
24 issued from DoD-IG as well.

25 Q Did you have access to any shared drives?

1 A Yes, but only ones within OCCL. There was an OCCL
2 shared holder and then there was one for public affairs, and
3 those are the ones I had access to.

4 Q Now, is there any reason your e-mail account should
5 reveal that you shared the draft report with anyone outside
6 of DoD-IG?

7 A No.

8 Q Is there any reason your e-mail account should show
9 a communication with an at POGO.org address?

10 A Um. I don't believe so, unless someone contacted
11 me. I also had access to the e-mail. I also had access to
12 public.airs at DoDIG.mil, which is one we use for media
13 inquiries. So I didn't really respond, but I was able to see
14 e-mail that came through there and if it was anything from
15 POGO, it would have come through the public affairs e-mail.
16 I don't think it would have come to my work e-mail.

17 Now, are you aware of any misconduct that might
18 have been associated with that draft report. And what I mean
19 by that is did it go through some type of different process
20 that it normally would have?

21 A I don't believe so. I know that it was delayed,
22 but I don't know of any misconduct associated with the report
23 and that's all.

24 Q Now, I believe you answered this earlier. Has
25 anyone communicated or attempted to communicate with you

1 since you left regarding the draft report?

2 A No.

3 Q Now, your e-mail account, what happened with the e-
4 mails that you generated?

5 A After I left?

6 Q Yeah.

7 A I do not know. I was told when I left that my
8 folders and my e-mails and all those would be kind of put
9 onto like a shared drive or handed over to my boss. I wasn't
10 really sure. (b)(6)&(7)(C) requested that I just clean out all of my
11 folders, my e-mails and all that, unless there's anything
12 that I thought (b)(6)&(7)(C) would need. But I do know that I went
13 through and deleted all of my e-mails and things, because I
14 wouldn't have access to them and (b)(6)&(7)(C) didn't want to have to
15 go through them and organize them. So that's what I did.

16 Q Now, were you authorized by anyone to release the
17 draft report outside of DoD-IG?

18 A No.

19 Q What was your understanding about releasing a draft
20 report?

21 A Oh. Well, draft reports are usually FOUO and are
22 subject to change until the time they're released.
23 [Inaudible] need to know.

24 Q Right. I mean did someone tell you that it's
25 forbidden to release a draft report outside of DoD-IG?

1 A I'm not sure if I was ever explicitly told that,
2 but I definitely believe that.

3 Q You work for (b)(6)&(7)(C) Did (b)(6)&(7)(C) tell you that?

4 A I don't recall specifically being told that. No.

5 Q Did you know (b)(6)&(7)(C) views about release of a draft
6 report?

7 A Did I -- can you repeat the question?

8 Q Did (b)(6)&(7)(C) share (b)(6)&(7)(C) views with you relative to the
9 release of a draft report?

10 A No.

11 Q Now, are you aware of any other unauthorized
12 release of the draft report?

13 A No.

14 Q Now, and you've said this. You didn't provide the
15 draft report or its elements to anyone outside of DoD-IG. Is
16 that correct?

17 A Correct.

18 Q Did you provide the report or elements to anyone at
19 POGO?

20 A No.

21 Q Do you know how this draft report ended up at POGO?

22 A No. And I also believe that when we issue a
23 report, we send it back to whoever we're investigating. And
24 so I don't know what goes on at that end or who sees it,
25 whoever we're investigating. Those are the only people I can

1 think of who would have seen it outside of the IG.

2 Q Okay. And do you have knowledge of anyone who
3 discussed this draft report with someone at POGO?

4 A No.

5 Q Now, earlier, you said you were at a POGO event.
6 Correct?

7 A It was not an event sponsored by POGO. It was an
8 event where POGO had a presence.

9 Q Okay. And you were there with a necessary check.
10 Right?

11 A Correct.

12 Q And that was in the April timeframe, did you say?

13 A I believe so, and it was called, I think, the
14 Freedom of Information Day or the anniversary of the FOIA
15 Act. It was something along those lines.

16 Q Did anyone exchange any documents with anyone from
17 POGO there?

18 A No.

19 Q I know these questions sound kind of pointed, but
20 we've asked everybody the same questions. We're not leaning
21 on you for any particular reason.

22 A Okay.

23 SPECIAL AGENT (b)(6)&(7)(C) Okay. (b)(6)&(7)(C)

24 BY SPECIAL AGENT (b)(6)&(7)(C)

25 Q Just a couple of questions. Do you know if the

1 draft report was provided to anyone on the Hill?

2 A I do not know. I know there were a lot of
3 questions. I believe this report was initially started as a
4 request from a Congressman, but I do not know if the draft
5 report was provided to them.

6 Q Do you recall (b)(6)&(7)(C) having any discussions with
7 Mr. Crane or (b)(6)&(7)(C) or anyone about this report and the
8 Hill, or anything like that?

9 A No. I don't remember there being discussion about
10 the fact there was a delay from when we originally thought it
11 was going to come out, but I don't remember any discussion
12 about release of it to the Hill.

13 Q Who was that discussion with?

14 A It probably would have been between (b)(6)&(7)(C) Mr.
15 Crane or (b)(6)&(7)(C) I don't know if I can recall, but,
16 again, you were always putting the newsletter together and
17 trying to figure out what status report was in and if there
18 was an estimated release date. So they may have been
19 involved in that conversation, because Mr. Crane always
20 reviewed the newsletter. He always had the final edit and I
21 believe (b)(6)&(7)(C) would look at the newsletter sometimes as
22 well. So that's probably the context, what context
23 [inaudible] in which that would have been discussed.

24 Q Did you know this was going to be delayed or it
25 wasn't getting pushed back? Did they seem upset? What was

1 their reaction to it being delayed?

2 A I don't think they were pleased, but I wasn't privy
3 to a conversation, but I got the impression they always want
4 to get a report out, typically in OCCO where the conferences
5 you're asking a lot of question and putting a lot of pressure
6 on you. You want to get the reports out to them as soon as
7 possible.

8 Q And when you say "they," who are you referring to
9 that wasn't pleased?

10 A Mr. Crane, maybe (b)(6)&(7)(C) they were at Congress
11 the most.

12 Q And I guess when they weren't pleased, did they say
13 "We're not pleased?" Or did they say what the consequences
14 were going to be? As much as you can, can you kind of walk
15 us through those discussions?

16 A I can't recall words being part of (b)(6)&(7)(C) calling
17 requesting do you know when this report's going to come out,
18 or something. And they'd be like, "I don't know," and they
19 kind of rolled their eyes or something like that. I don't
20 recall any specific words used, just more of sort of eye-
21 rolling, and so we have another delay, that sort of talk.

22 Q Did they ever talk about any thing like the front
23 office is doing regarding the report?

24 A No.

25 Q Do you know anyone named (b)(6)&(7)(C)

1 A No.

2 Q Is there any committee staff from the Senate Select
3 Committee on Intelligence?

4 A No.

5 Q Okay. All right. I was just looking through my
6 notes. I apologize for a moment here.

7 A (b)(6)&(7)(C) did you keep any notes or any electronic
8 media relative to this subject?

9 Q No. When I left, I either put all of my FOUO
10 information in a burn bag or I put anything unclassified on the
11 [inaudible]. I didn't keep paper records. Everything I did
12 was mostly electronic. I didn't take any electronic things
13 home with me.

14 A And I'm sorry if I missed it, but when did you
15 start DoD-IG?

16 Q I think I started in (b)(6)&(7)(C)

17 (b)(6)&(7)(C) I'm pretty sure it was (b)(6)&(7)(C)

18 A And then you were there until when?

19 Q Early (b)(6)&(7)(C)

20 A Oh. Okay. (b)(6)&(7)(C) Do you remember in
21 the December 2012 timeframe there was a celebration at POGO,
22 or sponsored by POGO I believe, the *Whistleblower Protection*
23 *Enhancement Act*. Do you know anything about that?

24 A No.

25 Q Do you know if any of the OCCL people -- do you

1 know if (b)(6)&(7)(C) met with any POGO people or had any phone
2 conversations or discussions with POGO people?

3 A I am not aware of any.

4 BY SPECIAL AGENT (b)(6)&(7)(C)

5 Q And did (b)(6)&(7)(C) have you forward that draft to
6 anyone?

7 A No.

8 Q Did (b)(6)&(7)(C) tell you that (b)(6)&(7)(C) had?

9 A No.

10 SPECIAL AGENT (b)(6)&(7)(C) And that's about all I have.
11 (b)(6)&(7)(C) you have anything else?

12 BY SPECIAL AGENT (b)(6)&(7)(C)

13 Q No, just one last thing. Did you sit in the OCCL
14 office on the 15th floor or were you in another office?

15 A Both; I started out in the OCCL suite. I did not
16 have a specific office. I could just kind of camp around it
17 wherever there's an MP office. And then it was probably
18 October or November -- I'm not sure which -- when the big
19 contracting team came on to OCCL. I was moved to the 17th
20 floor on the other side, so I was actually in the same suite
21 as (b)(6)&(7)(C) when I left.

22 Q And what month did that happen?

23 A I believe it was either late October or early
24 November. It was fall of 2012 and I remained upstairs until
25 I left (b)(6)&(7)(C)

1 Q And I've never been in that suite. Did you guys
2 all share a cube farm, or what was the setup?

3 A It was mostly a cube farm with four or five,
4 somewhere between three, four, five offices. (b)(6)&(7)(C) had
5 one. (b)(6)&(7)(C) had one. (b)(6)&(7)(C) was there and then (b)(6)&(7)(C) could make
6 them one more office, but it was mostly a cube farm and there
7 was like 30, 40 of us in there, maybe.

8 Q And you said (b)(6)&(7)(C) And who was the second
9 person? Did you say Mr. Crane?

10 A No, Mr. Crane was not in there. (b)(6)&(7)(C) the
11 (b)(6)&(7)(C)

12 Q Oh, sorry.

13 A So (b)(6)&(7)(C) was next to you, next to (b)(6)&(7)(C) and then
14 (b)(6)&(7)(C) -- I can never say (b)(6)&(7)(C) last name -- was in one. And
15 then I think (b)(6)&(7)(C) from FOIA might have been moved over
16 there as well.

17 Q Does (b)(6)&(7)(C) have any involvement in this report?

18 A No (b)(6)&(7)(C) came out late in Spring, so I never had any
19 communications with (b)(6)&(7)(C) about this report.

20 SPECIAL AGENT (b)(6)&(7)(C) : Okay. That's all I
21 have, (b)(6)&(7)(C)

22 SPECIAL AGENT (b)(6)&(7)(C) All right. (b)(6)&(7)(C) I'm
23 going to read you out. Other than administrative matters,
24 have we discussed anything relating to this investigation
25 that is not part of this tape-recorded interview?

1 THE WITNESS: No.

2 SPECIAL AGENT (b)(6)&(7)(C) Have we made any promises or
3 representations to you that are not a part of this tape-
4 recorded interview?

5 THE WITNESS: No.

6 SPECIAL AGENT (b)(6)&(7)(C) Do you have any comment
7 regarding the manner in which we conducted this interview
8 today?

9 THE WITNESS: No.

10 SPECIAL AGENT (b)(6)&(7)(C) In other words, did we treat
11 you okay?

12 THE WITNESS: Yes.

13 SPECIAL AGENT (b)(6)&(7)(C) All right. I know we kept
14 you a little bit later after class. Right?

15 THE WITNESS: I'm not in a hurry to get back.

16 SPECIAL AGENT (b)(6)&(7)(C) Okay. All right. This is
17 an official inquiry. You still work for DoD. Correct?

18 THE WITNESS: Yeah, (b)(6)&(7)(C) at this
19 point, but yes.

20 SPECIAL AGENT (b)(6)&(7)(C) Okay. You are under no
21 obligation to disclose the nature of this interview to
22 others, including supervisors. Please do not discuss this
23 inquiry or the questions, answers or discussions included in
24 this interview with anyone in order to avoid hindering our
25 further efforts.

1 I recommend that if anyone asks you about this
2 interview, you may say I'm not at liberty to discuss what we
3 talked about. This does not apply or restrict your ability
4 to contact an IG, your attorney, or a Member of Congress. Do
5 you have any questions concerning this advisement?

6 THE WITNESS: No, sir.

7 SPECIAL AGENT (b)(6)&(7)(C) Okay. And the time is 10
8 minutes to 4 and that concludes this interview.

9 (The interview was concluded at 3:50 p.m.)

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INSPECTOR GENERAL
DEPARTMENT OF DEFENSE
4800 MARK CENTER DRIVE
ALEXANDRIA, VIRGINIA 22350-1500

December 21, 2017
Ref: FOIA-2014-00404

SENT VIA EMAIL TO: jasonleopold@gmail.com

Mr. Jason Leopold
VICE News
1669 Benedict Canyon Drive
Beverly Hills, CA 90210

Dear Mr. Leopold:

This is in response to your April 3, 2014, Freedom of Information Act (FOIA) request for all records that refer to internal leak investigations involving Pentagon Inspector General Personnel. We received your request on April 4, 2014, and assigned it case number FOIA-2014-00404. Please accept our apologies for the delay in responding to your request.

The following components within Department of Defense, Office of Inspector General (DoD OIG) conducted a search and found documents responsive to your request: DoD Hotline, Office of the Deputy Inspector General for Administrative Investigations, Office of Deputy Inspector General for Policy and Oversight, Mission Support Team, Office of Professional Responsibility, Office of General Counsel, Office of Legislative Affairs and Communications, and the DoD OIG front office.

After carefully reviewing the records, I have determined that certain records are appropriate for release in part and other records are exempt from disclosure pursuant to 5 U.S.C. § 552 FOIA exemptions:

- (b)(5), which concerns certain inter- and intra-agency communications protected by the deliberative process privilege,
- (b)(6), when the disclosure of such information would constitute a clearly unwarranted invasion of personal privacy,
- (b)(7)(C), which protects personal information in law enforcement records,
- (b)(7)(E), which protects the disclosure of techniques and procedures for law enforcement investigations or prosecutions, and
- (b)(7)(F), the release of which would disclose techniques and procedures for law enforcement investigations or prosecutions.

In view of the above, you may consider this to be an adverse determination that may be appealed. You may submit an appeal to the Department of Defense, Office of Inspector General, ATTN: FOIA Appellate Authority, Suite 10B24, 4800 Mark Center Drive, Alexandria, VA 22350-1500. Your appeal, if any, must be postmarked within 90 days of the date of this letter and should reference the file number above. I recommend that your appeal and its envelope both bear the notation "Freedom of Information Act Appeal."

December 21, 2017
Ref: FOIA-2014-00404

We will be sending the documents to you via the **Safe Access File Exchange (SAFE)** website that is maintained by the United States Army. You should receive notification from the email address: **No-Reply@amrdec.army.mil**, with the subject line: **AMRDEC Safe Access File Exchange Delivery Notice**. Please DO NOT delete the email. Follow the instructions provided in the email to download the responsive documents. If you do not receive an email from AMRDEC in your regular email **inbox**, within 30 minutes of receiving our email, please check your **spam** and/or **junk** folder. Additionally, if you are using an operating system other than Microsoft Windows, and a web browser other than Internet Explorer, you may have problems opening the document. If any of the above occurs, please contact us, and we can send via a different method.

You may seek dispute resolution services and assistance with your request from the DoD OIG FOIA Public Liaison Officer at 703-604-9785, or the Office of Government Information Services (OGIS) at 877-684-6448, ogis@nara.gov, or <https://ogis.archives.gov/>. You may also contact OGIS via regular mail at National Archives and Records Administration Office of Government Information Services, 8601 Adelphi Road – OGIS, College Park, MD 20740-6001. Please note that OGIS mediates disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. However, OGIS does not have the authority to mediate requests made under the Privacy Act of 1974 (request to access one's own records.)

If you have any questions regarding this matter, please contact William Feeney at 703-604-9775 or via email to foiarequests@dodig.mil.

Sincerely,



Barbara Gonzalez
Division Chief
FOIA, Privacy and Civil Liberties Office

Enclosures:
As stated



INSPECTOR GENERAL
DEPARTMENT OF DEFENSE
4800 MARK CENTER DRIVE
ALEXANDRIA, VIRGINIA 22350-1500

December 21, 2017
Ref: FOIA-2014-00404

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If you have any questions regarding this matter, please contact William Feeney at 703-604-9775 or via email to foiarequests@dodig.mil.

Sincerely,



Barbara Gonzalez
Division Chief
FOIA, Privacy and Civil Liberties Office

Enclosures:
As stated



INSPECTOR GENERAL
DEPARTMENT OF DEFENSE
4800 MARK CENTER DRIVE
ALEXANDRIA, VIRGINIA 22350-1500

NOV 20 2013

MEMORANDUM FOR PRINCIPAL DEPUTY INSPECTOR GENERAL

SUBJECT: Results of Internal Review of Unauthorized Release of Official Information

In a memorandum dated June 21, 2013, you directed the Office of Professional Responsibility (OPR) to perform an internal review into the circumstances surrounding the unauthorized release of a pre-decisional draft DoDIG report. Enclosed is a report detailing the results of our review. If you have any questions, please contact me at 703-699-6996, (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Assistant Inspector General
for Office of Professional Responsibility

Attachments:
As stated

(b) (6), (b) (7)(C)

O&C Coordination

20 Nov 2013
Date

(b) (6), (b) (7)(C)

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INSPECTOR GENERAL
DEPARTMENT OF DEFENSE
4800 MARK CENTER DRIVE
ALEXANDRIA, VIRGINIA 22350-1500

2013001702-26-JUN-13-OPR (b) (6), (b) (7)(C)

November 20, 2013

UNAUTHORIZED DISCLOSURE OF DRAFT REPORT

RESULTS OF INTERNAL REVIEW: In a memorandum dated June 21, 2013, Lynne Halbrooks, Principal Deputy Inspector General, DoDIG, directed the Office of Professional Responsibility (OPR) to perform an internal review into the circumstances surrounding the unauthorized release of a pre-decisional draft DoDIG report (Attachment 1). The draft, which was produced by the Office of the Deputy Inspector General for Intelligence and Special Program Assessments (ISPA) and focused on information provided to the makers of the film *Zero Dark Thirty* (ZDT), appeared on the website for the Project on Government Oversight (POGO), www.pogo.org. The draft was contained in an article titled, "Unreleased: Probe Finds CIA Honcho Disclosed Top Secret Info to Hollywood," which was published on June 4, 2013 (Attachment 2).

Based on information provided by ISPA, OPR identified the following DoDIG employees as having access to the draft report:

- (b) (6), (b) (7)(C) , Office of Communications and Congressional Liaison (OCCL);
- (b) (6), (b) (7)(C) ISPA;
- (b) (6), (b) (7)(C) OCCL;
- John Crane, former Assistant Inspector General for OCCL;
- (b) (6), (b) (7)(C) , Administrative Investigations (AI);
- Marguerite Garrison, Deputy Inspector General for AI;
- (b) (6), (b) (7)(C) ISPA;
- (b) (6), (b) (7)(C) , ISPA;
- James Ives, Assistant Inspector General for ISPA (Acting) and Investigations;
- (b) (6), (b) (7)(C) OCCL (b) (6), (b) (7)(C)
- (b) (6), (b) (7)(C) , ISPA;
- (b) (6), (b) (7)(C) OCCL;
- (b) (6), (b) (7)(C) ISPA;
- (b) (6), (b) (7)(C) , ISPA;
- (b) (6), (b) (7)(C) , Office of General Counsel (OGC);
- (b) (6), (b) (7)(C) ISPA;
- (b) (6), (b) (7)(C) , OCCL;
- Henry Shelley, OGC;
- (b) (6), (b) (7)(C) AI; and
- (b) (6), (b) (7)(C) , formerly of OCCL, (b) (6), (b) (7)(C)

OPR interviewed each of the aforementioned individuals with the exception of Crane, who is no longer employed by the DoD. All testified that they did not provide the draft report to

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POGO and did not know how POGO received it. With the exception of (b) (6), (b) (7)(C) each testified that they did not transmit the report to anyone outside of the DoDIG except for the purpose of obtaining an ISPA sanctioned classification review. However, according to witness testimony, the version of the report that was sent for a classification review was marked differently than the version that appeared on POGO's website.

(b) (6), (b) (7)(C) **Testimony to OPR**

During an interview with OPR, (b) (6), (b) (7)(C) provided the following testimony. Crane emailed (b) (6), (b) (7)(C) a copy of the draft report, but (b) (6), (b) (7)(C) did not read it. In approximately December 2012, he emailed the draft report to two Congressional staffers: (b) (6), (b) (7)(C) Senate Armed Services Committee; and (b) (6), (b) (7)(C) , Senate Select Committee on Intelligence, after Crane instructed (b) (6), (b) (7)(C) to do so. (b) (6), (b) (7)(C) did not know whether Crane was authorized to release the report. (b) (6), (b) (7)(C) stated, "I left Mr. Crane's discussions with Ms. Halbrooks with him. I didn't pry into that part, yeah." (b) (6), (b) (7)(C) had previously provided two other draft reports to Congress: the "RMA" [Retired Military Analyst] report and the (b) (6), (b) (7)(C) report. Crane instructed (b) (6), (b) (7)(C) to provide the RMA draft report to Congress. Crane and former Deputy Inspector General for Investigations Richard Race instructed (b) (6), (b) (7)(C) to provide the draft (b) (6), (b) (7)(C) report to Congress. Crane did not tell (b) (6), (b) (7)(C) he had discussions with POGO about the draft, but (b) (6), (b) (7)(C) speculated that Crane may have talked to POGO about it because POGO had been helping Crane, and they were interested in ZDT. (b) (6), (b) (7)(C) has not had discussions with anyone from POGO regarding the draft. (b) (6), (b) (7)(C) testified, "And I know of no matter involving ZDT where I think I have seen anything that says that this agency acted incorrectly. So I have no direct observations that (b) (6), (b) (7)(C) or (b) (6), (b) (7)(C) or anybody else acted incorrectly. So I'm very comfortable about what we have done on this project." (b) (6), (b) (7)(C) also had no "indirect observations" of impropriety. A transcript of (b) (6), (b) (7)(C) interview is attached (Attachment 2).

(b) (6), (b) (7)(C) **Testimony to OPR**

During an interview with OPR, (b) (6), (b) (7)(C) provided the following testimony. (b) (6), (b) (7)(C) was involved in (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) which led (b) (6), (b) (7)(C) to believe (b) (6), (b) (7)(C) read the report, (b) (6), (b) (7)(C) along with employees (b) (6), (b) (7)(C) indicated (b) (6), (b) (7)(C) was frustrated with the length of time the approval process of the report was taking. (b) (6), (b) (7)(C) thought (b) (6), (b) (7)(C) recalled (b) (6), (b) (7)(C) stating words to the effect of, " (b) (6), (b) (7)(C) but (b) (6), (b) (7)(C) was not certain. (b) (6), (b) (7)(C) recollection of this statement was accurate. A transcript of (b) (6), (b) (7)(C) interview is attached (Attachment 3).

(b) (6), (b) (7)(C) **Testimony to OPR**

During interviews with OPR, (b) (6), (b) (7)(C) provided the following testimony (Attachment 4). (b) (6), (b) (7)(C) handled some of the congressional affairs responsibilities (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) attended meetings with the Senate staffers, to include (b) (6), (b) (7)(C) who (b) (6), (b) (7)(C) recalled was "very confrontational" during one of the meetings. (b) (6), (b) (7)(C) recalled that (b) (6), (b) (7)(C) sent (b) (6), (b) (7)(C) an email asking (b) (6), (b) (7)(C) to lead a briefing on the report. (b) (6), (b) (7)(C) was upset because (b) (6), (b) (7)(C) had been (b) (6), (b) (7)(C) , and (b) (6), (b) (7)(C) contacted (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) did not understand (b) (6), (b) (7)(C) interest in the matter because (b) (6), (b) (7)(C) was (b) (6), (b) (7)(C) , and it did not pertain to (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) with (b) (6), (b) (7)(C) stated, "I felt like (b) (6), (b) (7)(C) was trying to get involved too much in the Congressional Affairs business, that I didn't think it was part of (b) (6), (b) (7)(C) description. And it would make it confusing in general, like if we're dealing with staffers and the (b) (6), (b) (7)(C) goes out to the staffers. You know, not just on this issue but on other issues." (b) (6), (b) (7)(C) was not aware that (b) (6), (b) (7)(C) provided the draft report to anyone on Capitol Hill.

Ives' Testimony to OPR

During an interview with OPR, Ives testified that he and other DoDIG staff provided briefings to Congressional staff from Congressman Peter King's office, the SASC, and the House Intelligence Committee. Those briefings were "generic" and to his knowledge, the staffers were not given copies of the draft. A transcript of Ives' interview is attached (Attachment 5).

Email Review

OPR requested emails that were sent and received from the DoDIG email accounts of 20 current and former employees of ISPA, OCCL, and OGC who were involved in creating or reviewing the draft report. The employees included (b) (6), (b) (7)(C), Crane, (b) (6), (b) (7)(C) Garrison, (b) (6), (b) (7)(C), Ives, (b) (6), (b) (7)(C), (b) (6), (b) (7)(C), (b) (6), (b) (7)(C), Shelley, (b) (6), (b) (7)(C), and (b) (6), (b) (7)(C). The request, which covered from October 1, 2012 through January 31, 2013, yielded over 33,269 emails, all reviewed by OPR. OPR did not identify a transmission of the draft to anyone outside of the DoDIG – to include transmissions to (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C). On November 13, 2012, the version of the draft report that appeared on the POGO website was transmitted from (b) (6), (b) (7)(C) to (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C), and subsequently forwarded the same draft to (b) (6), (b) (7)(C) on November 16, 2012. The email chain is attached (Attachment 6). OPR also noted that on December 6, 2012, Crane emailed a later version of the draft to (b) (6), (b) (7)(C) (Attachment 7) and wrote, "FYI Attached is the draft report of phase I of our efforts. Phase I responds to the questions from Chairman King. I made edits last week. I am sure the Intelligence staffs will be interested when it is released. With a SEFDEF memo this is getting close to final." On December 7, 2012, (b) (6), (b) (7)(C) responded to Crane (Attachment 8), "This has to be some of the worse writing I have ever seen; it seems written to obscure . . ." In spite of (b) (6), (b) (7)(C) testimony that (b) (6), (b) (7)(C) emailed the draft to (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C), OPR did not identify an email from (b) (6), (b) (7)(C) to the staffers that contained the draft.

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Information Systems Directorate, DoDIG, explained that the DoDIG network backs up the data on the email system (b) (7)(E), (b) (7)(F)

(b) (7)(E), (b) (7)(F)

Comparison of Drafts

OPR compared the version of the draft report that was attached to the November 13, 2012 email from (b) (6), (b) (7)(C) to (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) and the version that was attached to the December 6, 2012 email from Crane to (b) (6), (b) (7)(C) with the version of the draft that appeared on the POGO website. The version attached to the November 13, 2012 email from (b) (6), (b) (7)(C) to (b) (6), (b) (7)(C) and

(b) (6), (b) (7)(C) and the November 16, 2012 email from (b) (6), (b) (7)(C) matched the version published on the POGO website. OPR noted several inconsistencies between the December 6, 2012 version and the version published by POGO. These inconsistencies, which consisted primarily of formatting differences rather than substantive changes, were documented in a DCIS Form 1 maintained in the OPR file for this inquiry.

Conclusion

(1) OPR was unable to make findings on the unauthorized release of the draft report to POGO. (2) With respect to an unauthorized release outside the DoDIG, while OPR's email review did not identify the transmission of the draft report to (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C), (b) (7)(C) testified that he did so at Crane's direction.

Attachments:

1. Memorandum from Halbrooks to AIG-OPR, Subject: "Internal Review of Unauthorized Release of Official Information," dated June 21, 2013.
2. Form 1, "Review of Website," with POGO article and draft report attached.
3. Transcript of (b) (6), (b) (7)(C) interview, dated (b) (6), (b) (7)(C)
4. Transcript of (b) (6), (b) (7)(C) interview, dated (b) (6), (b) (7)(C)
5. Transcript of (b) (6), (b) (7)(C) interview, dated (b) (6), (b) (7)(C)
6. Transcript of Ives interview, dated August 8, 2013.
7. Emails between (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) Subject: "FW: comm package: Inquiry into Release of Department of Defense Information to the Media," dated November 9, 13, and 16, 2012.
8. Email from Crane to (b) (6), (b) (7)(C) Subject: "FW: Digits of King/UBL Report," dated December 6, 2012.
9. Email from (b) (6), (b) (7)(C) Crane, Subject: "RE: Digits of King/UBL Report," dated December 7, 2012.

Prepared By: (b) (6), (b) (7)(C), OPR
DISTR: PDIG

APPR:

(b) (6), (b) (7)(C)

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JUN 21 2013

MEMORANDUM FOR ASSISTANT INSPECTOR GENERAL, OFFICE OF
PROFESSIONAL RESPONSIBILITY

SUBJECT: Internal Review of Unauthorized Release of Official Information

On June 4, 2013, the Project on Government Oversight (POGO) published on their website an article entitled, "Unreleased: Probe Finds CIA Honcho Disclosed Top Secret Info to Hollywood." The article alleged wrong-doing in the Office of Inspector General (OIG), Department of Defense. Specifically, the article alleged the "IG Front Office" had improperly controlled the substance and release date of the report. Linked to the POGO article was a pre-decisional working draft of the Intelligence and Special Program Assessments report entitled, "Release of Department of Defense Information to the Media." A copy of the article is enclosed. It is also available on the Internet at: <http://www.pogo.org/our-work/articles/2013/unreleased-probe-finds-cia-disclosed-secret-info.html>.

While the POGO article refers generally to the "IG Front Office" it specifically names me and implies I may have delayed the completion and release of the report. The article has been forwarded to the Integrity Committee, Council of Inspectors General for Integrity and Efficiency for their review of those allegations.

I completely support the right of individuals to appropriately report what they believe to be wrongdoing. Such individuals are critical to the Inspector General's mission and entitled to the full protection the law provides. However, the unauthorized release of a pre-decisional working draft, a document not properly vetted or reviewed, is very problematic. All OIG employees are entrusted with handling sensitive information appropriately. When an unauthorized release occurs, the reputation of the OIG is damaged with subjects, senior departmental leadership, and Congress. Perhaps more importantly is the diminished trust and confidence whistleblowers, witnesses, and the public have in us.

Accordingly, I direct you to perform an internal review into the circumstances surrounding this unauthorized release. Due to the serious nature of this unauthorized release, please complete your review within 90 days.

Lynne M. Halbrooks
Principal Deputy

Attachment: As Stated

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INSPECTOR GENERAL
DEPARTMENT OF DEFENSE
4800 MARK CENTER DRIVE
ALEXANDRIA, VIRGINIA 22350-1500

2013001702-26-JUN-13-OPR- (b) (7)(E)

June 27, 2013

UNAUTHORIZED DISCLOSURE OF DRAFT REPORT

REVIEW OF WEBSITE: On June 27, 2013, the Reporting Agent accessed and printed the attached article, "Unreleased: Probe Finds CIA Honcho Disclosed Top Secret Info to Hollywood," from the website www.pogo.org (Attachment). Additionally, the Reporting Agent accessed and printed what is purported by POGO to be a "draft" DoD OIG report from the POGO website (Attachment 2).

Attachment:

1. POGO Article dated June 4, 2013.
2. Draft DoD OIG report.

(b) (6), (b) (7)(C)

Prepared By:

(b) (6), (b) (7)(C)

OPR

APPF

CLASSIFICATION:

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PROJECT ON GOVERNMENT OVERSIGHT



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Unreleased: Probe Finds CIA Honcho Disclosed Top Secret Info to Hollywood

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24



Topics: Government Accountability, National Security

June 4, 2013 | Adam Zagorin, David S. Hilzenrath

By Adam Zagorin and David Hilzenrath

The Defense Department Inspector General's office has been sitting on a report that former Defense Secretary Leon Panetta disclosed "TOP SECRET" information and other sensitive details two years ago at an event attended by a "Hollywood executive" working on the movie *Zero Dark Thirty*.

In June 2011, when he was director of the Central Intelligence Agency, Panetta discussed the information at a CIA headquarters event honoring participants in the raid that killed Osama bin Laden, according to an unreleased report drafted by the Inspector General's office and obtained by the Project On Government Oversight (POGO).

"During this awards ceremony, Director Panetta specifically recognized the unit that conducted the raid and identified the ground commander by name," the draft report says. "According to the DoD Office of Security Review, the individual's name is protected from public release" under federal law, the report says.



Former Secretary o

"Director Panetta also provided DoD information, identified by relevant Original Classification Authorities as TOP SECRET//SI//REL TO USA, AUS, CAN, GBR, NZL, as well as, SECRET//ACCM," the report says.

Panetta was not interviewed for the report, the document says. POGO's repeated attempts to reach him or a spokesman, his base in California, were unsuccessful.

"The report is not yet completed," said Bridget Ann Serchak, a spokeswoman for the Inspector General's office. "Once our Listserv and in our newsletter as well as on our website."

Plugging Leaks

Disclosures of classified information have taken center stage in Washington recently as the government has ratcheted up actions against leakers, whistleblowers, and journalists. The nation has been struggling to draw the line between truth-telling in the public interest and criminal violations of national security—a debate that runs through the newly opened trial of accused WikiLeaks tipster Bradley Manning, the Justice Department's pursuit of phone and email records of reporters for the Associated Press and Fox News, and the imprisonment of former CIA agent John Kiriakou for divulging the names of fellow officers.

James Comey, widely reported to be President Obama's choice to become FBI director, has set his own tough standard. "[S]ome things can't leak," Comey said in a 2007 video clip broadcast last week on the PBS NewsHour. "The flip side of that is, when they do leak, the government has to do something about it, has to, because we care about the rule of law."

The Inspector General (IG) report obtained by POGO lays out results of an investigation requested almost two years ago by the then-chairman of the House Committee on Homeland Security, Peter T. King (R-NY). In August 2011, he wrote that he was concerned that filmmakers had reportedly received "top level access to the most classified mission in history." The probe was formally initiated in December 2011.

The fact that the IG's office has not released its findings has caused consternation among the office staff, people familiar with the probe told POGO. Within the office, there was a push to make findings public as early as a year ago, sources speaking on condition of anonymity said. Last fall, the office took steps toward releasing some version of the report, including putting it through a Pentagon vetting process and preparing talking points to explain the contents, a person familiar with the investigation said.

Clic

Another person with knowledge of the probe said the draft report obtained by POGO matched a copy that person examined for release. The IG's office had gone so far as to include an undated cover letter addressed to the House committee chair.



Message From a Whistleblower

Appointed by President Obama, Panetta served as CIA director from 2009 to mid-2011 and as Defense secretary from

The unknown fate of the IG report was the subject of a December 2012 email exchange—obtained by POGO—between the IG's office. The congressional aide mentions having heard that someone in the IG's office was "sitting on it until Se any information about it.

The IG employee replies: "That effort . . . has been controlled and manipulated since inception by the IG Front Office." the street, been long time ready to hit the street...but we will see if that happens anytime soon. Highly unusual tight cc on this project."

The employee says the matter reflects broader problems within the IG's office.

"I have grave concerns that the message and findings are now controlled and subject to undue influence across the bc much influence or involvement by outsiders now in developing and issuing oversight reports."

The IG employee invokes whistleblower status.

"I consider this protected communications on alleged wrong-doings within the Government."

Lame Duck Watchdogs

The story of the unreleased investigative report illustrates systemic problems that can undermine the independence c provide a check on executive branch departments and agencies. The Defense Department IG answers not only to

Across various departments, IG posts have gone unfilled for long periods of time, left in the hands of officials servi may be in a weaker position to challenge authority.

As POGO said in testimony to Congress last year, "It is hard to imagine that an Acting IG known for conducting hard level administration officials would be asked by that same administration to serve as IG on a permanent basis."

The Defense Department IG's job has been vacant since December 2011, and the office has been headed on a tempc basis by Lynne M. Halbrooks, who is now the principal deputy inspector general. She has sought support to be named permanent inspector general, a presidential appointment that traditionally involves the approval of the secretary.

Serchak, the IG spokeswoman, said the absence of a permanent inspector general has not affected the office's work.

"Nothing's changed," she said.

In January, representatives of the IG's office told Senate overseers that the Zero Dark Thirty report would not be releas until the office had completed two related reports, POGO has been told.

The IG report also highlights what critics have complained is inconsistent treatment of people who spill government se

"It's like Animal Farm," said one person with knowledge of the investigation. "Some people are more equal than others

In the realm of national security, the government has taken extraordinary steps to plug news leaks, prosecute whistleblowers, and probe news organizations. In contrast, the IG report describes how the Obama Administration thre support behind a Hollywood project depicting one of President Obama's most dramatic triumphs – the nighttime SEAL assault on the compound in Abbottabad, Pakistan where bin Laden – referred to as "UBL" – had been hiding.

After Panetta became secretary of Defense, senior Panetta aides implored a resistant Special Operations Command to assist, according to the draft IG report.

"Secretary Panetta wants the Department to cooperate fully with the makers of the UBL movie," a Pentagon under sec according to the report.

Emailing a senior Pentagon colleague during the summer of 2011, Defense Department spokesman George Little offered Pacino to play [Secretary Panetta]," the report quotes Little as having written. "That's what he wants, no joke!"

Inside The CIA's Big Tent

Zero Dark Thirty debuted in December 2012. At one time, it had been slated for release before last fall's election. The Award winning director of The Hurt Locker, about an Army bomb squad in Iraq, and Mark Boal, screenwriter of The Hu

The IG report recounts that Boal was permitted to attend a June 24, 2011, ceremony at CIA headquarters honoring personnel. The fact that the screenwriter was allowed to attend has been reported previously and has been a subject of controversy. Notably, that Panetta's remarks contained information classified as Secret and Top Secret.

During this awards ceremony, Director Panetta specifically recognized the unit that conducted the raid and identified the ground commander by name. Director Panetta also provided DoD information, identified by relevant Original Classification Authorities as TOP SECRET//SI//REL TO USA, AUS, CAN, GBR, NZL, as well as, SECRET//ACCM. According to the DoD Office of Security Review, the individual's name is protected from public release under 5 U.S.C. Section 552a and 10 U.S.C. Section 130b.

Excerpt from the unreleased draft report.

The "SI" part of the Top Secret term for communications is in classification manual. It is of the Federation of American "REL TO USA, AUS, CAN, released to properly clear Great Britain, and New Ze

The "ACCM" part of the Secret "Alternative Compensatory Department manual. Those access the information, the information can present an

those personnel involved in mission execution," the manual says.

The report notes other indications that what was said at the event should be handled with care. The prepared remarks SECRET//NOFORN"—meaning not releasable to foreign nationals—and a record of the event was made "accessible c

The IG report does not say what Top Secret or Secret information Panetta provided. It rules out a broad category of special techniques, and procedures," known as TTPs. The report's authors concluded that "no classified or sensitive special op

"No Precautionary Measures"

The IG report says special operations personnel were not pleased to discover that an outsider was at the CIA event. A H. McRaven, one of the raid's overseers, was introduced to a person "identified as the maker of the 'Hurt Locker,'" the operators present were all 'universally surprised and shocked' that a Hollywood executive attended this CIA Headquar

"ADM McRaven informed us he was concerned about the possible release of the special operators' identities," the dra

As secrecy surrounding the raid eroded, in part through the appearance of a filmmaker at the CIA event, the military be raid could be targeted for terrorist retaliation. The report notes that McRaven held a meeting with families of special op monitoring" would be provided and "to call security personnel if they sensed anything."

The probe by the Defense Department IG's office did not assess the extent of any compromise to CIA sources and me says.

In the run-up to the event, the prospect of a Hollywood executive attending was a subject of concern within the CIA pul

The report says that a CIA public affairs officer tried to prevent the filmmaker from attending. That information is attributed to contact with the CIA public affairs officer. However, the day of the event, the CIA public affairs officer allegedly relayed 'Chief of Staff' directed that the Hollywood executive be given access to the event."

The report says Panetta's chief of staff at the CIA—Jeremy Bash, who followed him to the Defense Department in the : involved.

Though special operations personnel expected it to be a small event, it was far from that, the report says. "The Director enormous crowd, I mean they built a tent and it was not sensitive, I would say it was not a highly sensitive event. It was per se," the draft report says.

The special operators attended in uniform with their names displayed and were directed to reserved seats in the front members could have been useful leads for anyone trying to gather information about the mission.

"We found no precautionary measures were taken to protect special operators from being identified by the Hollywood"

Panetta: "No Unauthorized Disclosures"

The findings in the draft inspector general's report seem to be at odds with public statements Panetta has made.

Panetta told ABC in May 2012 that "nothing inappropriate" was shared with the filmmakers.

"We'll try to make sure that we give them accurate information so that the historic record is protected. But you know, w anybody," he said on "This Week."

At a June 2012 Senate hearing, based on the controversy that was already raging, Panetta was asked about "this acc bin Laden raid."

He responded forcefully.

"Look, let me first say as a former Director of the CIA, I deplore the unauthorized disclosures of classified information," Panetta said. "I think that this is something that does have to be fully investigated, and it has to be very clear that this is intolerable if we're going to try to protect the defense of this country. We've got to be able to protect those who are involved in clandestine operations."

**"Look, I
the
discl
Panetta
that doe
has to b
we're g**

Panetta gave the impression that the concerns were unfounded.

"I also want to make clear that, you know, no unauthorized disclosures were provided to movie producers or anybody else. What we do have is we do have an office at the Pentagon that almost every day deals with people that want to do something about, you know, either a movie or a book or an article or something related to our defense," he told lawmakers. "And we want to make sure that the information that th regards to the accuracy of that information. But I can assure you, I've asked that question, in this instance, nobody rele

Panetta's alleged disclosures at the CIA event were not the only potential embarrassments for the Pentagon and the C

The document says that Undersecretary of Defense for Intelligence Michael Vickers gave Boal and Bigelow the name "Operator and Commander"—that was protected by law and was "For Official Use Only, not for public release."

But, as with Panetta's alleged mention of the ground commander's name, the federal laws the report cites with respect focused on covert operators. They deal with, among other things, "personally identifying information" about "any memb sensitive unit, or a routinely deployable unit." The "For Official Use Only" label does not mean the information is classifi

The report obtained by POGO paints Panetta's disclosure in more serious terms. It flatly states that, beyond naming th revealed information that was classified.

Santa Delayed

As recently as December 2012, after repeated delays, the IG's office was gearing up to release the Zero Dark Thirty re

In the December email chain with a congressional staff member, the IG employee who had been so critical of the IG's

"Senior leadership met on Friday afternoon. Decided subject report you inquired on should be issued."

"Yes Virginia, there is a Santa Clause [sic]...DODIG does its mission."

As it turns out, that assessment was premature.

POGO Executive Director Danielle Brian contributed.

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3

DEPARTMENT OF DEFENSE
OFFICE OF INSPECTOR GENERAL

DEPUTY INSPECTOR GENERAL FOR
OFFICE OF PROFESSIONAL RESPONSIBILITY

DIGITAL TRANSCRIPTION

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August 8, 2013

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1 P R O C E E D I N G S

2 SA (b)(6)&(7)(C) Good morning. The time is 10:00 a.m.

3 and this is the 8th of August 2013. My name is (b) (6), (b) (7)(C) .

4 I'm a special agent with DCIS assigned to the Office of
5 Professional Responsibility. Present with me today is

6 (b)(6)&(7)(C) also with OPR.

7 We are conducting an interview of, can you tell us
8 your name?

9 (b)(6)&(7)(C) (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

10 SA (b)(6)&(7)(C) And spell your last name for us.

11 (b)(6)&(7)(C) (b) (6), (b) (7)(C)

12 SA (b)(6)&(7)(C) Okay. And before going further can you
13 please raise your right hand?

14 Whereupon,

15 (b)(6)&(7)(C)

16 was called as a witness and, having been first duly sworn,
17 was examined and testified as follows:

18 EXAMINATION

19 BY SA (b)(6)&(7)(C)

20 Q And we will also need you to confirm you are aware
21 we are recording this conversation.

22 A Okay, yes, we are recording this conversation.

23 Q Yes, thank you.

24 A Yes, we are recording this conversation.

25 Q If that one runs out I'll put the other. All

1 right, to begin please give us again your full name, place of
2 employment, and your job description.

3 Q Okay. I'm (b)(6)&(7)(C) My
4 employer is the Department of Defense Office of the Inspector
5 General. And I'm currently (b)(6)&(7)(C)

6
7 (b)(6)&(7)(C)

8
9 Q And how long have you been in that position, (b)(6)&(7)(C)

10 A (b) (6), (b) (7)(C)

11 Q And previous to that what was your position and how
12 long were you in that position?

13 A Previous to that I was (b)(6)&(7)(C)

14
15
16 (b)(6)&(7)(C)

17
18
19 Q Okay. Do you know what the Project on Government
20 Oversight is?

21 A Yeah. The Project on Government Oversight, POGO,
22 is a nongovernment entity that focuses on whistleblower
23 issues and government accountability issues.

24 Q Okay. Would it be fair to say they're a
25 nonpartisan independent watchdog group, or would you

1 characterize it in another way?

2 A Well, I think I would say they are a independent
3 watchdog group. I don't really know how to assess
4 nonpartisan.

5 Q Okay.

6 A I don't, yeah.

7 Q All right. Do you know the names of any POGO
8 employees?

9 A Yes. The executive director, Danielle Brian, B-r-
10 i-a-n.

11 Q Mm-hmm.

12 A And then their legislative liaison, (b) (6), (b) (7)(C)

13 (b) (6), (b) (7)(C)

14 Q Mm-hmm.

15 A And then prior to (b) (6) & (7)(C) leaving I worked with their
16 defense investigations point of contact. I'm not sure what
17 (b) (6) (b) (7)(C) name was. (b) (6), (b) (7)(C)

18 Q Mm-hmm. And when was the last time you had contact
19 with them, sir?

20 A Danielle I spoke with or e-mailed with in the past
21 two weeks.

22 Q Mm-hmm.

23 A About Mr. Crane's situation.

24 Q Mm-hmm.

25 A And (b) (6), (b) (7)(C) asked me for a PPD-19.

Danielle Brian
is the Exec.
Dir and was a
contributor to
the POGO
story online.

1 information, who the point of contact was in the DNI's
2 office, and I referred (b) (6), (b) (7)(C) the generic DNI protocol is you
3 send everybody to the PAO.

4 (b) (6) & (7)(C) gone on to the (b) (6), (b) (7)(C)
5 (b) (6), (b) (7)(C) s (b) (6) & (7)(C) sent e-mails back and forth as (b) (6) & (7)(C)
6 moved on. But the last time I worked with (b) (6) & (7)(C) on anything
7 was setting up (b) (6) & (7)(C) interview with Gordon Heddell when we did
8 that media event some time ago.

9 And the last substantive matter I did with Danielle
10 other than just catching up on news and such was when Mr.
11 Crane and I went over to approach (b) (6) & (7)(C) about Ms. Halbrooks'
12 nomination for the IG.

13 Q Now, tell me this. When you had communication with
14 the POGO employees what type of communication? Are we
15 talking telephone, face-to-face?

16 A Most of it's phone. Sometimes face-to-face,
17 although Danielle discourages government employees from
18 stopping by their offices.

19 Q How about e-mail?

20 A My government e-mail.

21 Q Mm-hmm.

22 A I have not gotten a private e-mail from Danielle
23 probably in 10 years.

24 Q Okay, and we'll get to that a little bit further
25 down the line. Are you aware of a draft report about

1 accommodations being made with Hollywood filmmakers relative
2 to the bin Laden raid?

3 A I'm aware. If this is the report that POGO posted
4 I'm aware of that report. I have not read it.

5 Q Okay, I'm putting a report in front of you. Can
6 you identify that, sir?

7 A This is a release of Department of Defense
8 information to the media report, draft report.

9 Q Okay, that's draft report?

10 A Yeah.

11 Q Is that the report we're talking about?

12 A Yes.

13 Q Okay. So the Hollywood filmmakers relative to the
14 bin Laden raid, correct?

15 A I haven't read it. I thought it was about the
16 movie Zero Dark Thirty.

17 Q Okay. All right.

18 A From the press on it.

19 Q What was your involvement with that draft?

20 A I got regular updates from Mr. Crane on it.

21 Q Mm-hmm.

22 A But his point of contact in OCCL for this project I
23 believe was (b) (6), (b) (7)(C) so I didn't help (b) (6), (b) (7)(C) with the
24 front office OCCL review of the report.

25 Q Did you help with the drafting of the report?

1 A No.

2 Q Editing?

3 A No.

4 Q So your full involvement with that report was what
5 you just said?

6 A Yes. It was with Mr. Crane, yeah.

7 Q Okay. When did you first have access to that
8 report? You can give the month and year if you want.

9 (Pause.)

10 A That's a good question.

11 Q To the best of your recollection, sir.

12 A Sometime in November.

13 Q And what --

14 A It might have been December. I'm not quite sure of
15 the date. But sometime last fall Mr. Crane sent me a copy
16 and asked me to transmit it to (b)(6) (b)(7)(C) and (b)(6), (b)(7)(C)

17 (b)(6), (b)(7)(C)

18 Q Was that 2012, sir?

19 A That would have been 2012, yeah.

20 Q And when was the last time you saw a copy of the
21 draft of that report?

22 A I think this is the first time I've actually seen a
23 copy of the draft.

24 Q Okay.

25 A Yeah. When I got the e-mail I didn't open it.

1 BY SA (b)(6)&(7)(C)

2 Q You said (b)(6) (b)(7)(C) or --

3 A (b)(6) (b)(7)(C)

4 Q (b)(6) (b)(7)(C) and (b) (6), (b) (7)(C) .

5 A (b)(6) (b)(7)(C) is the (b) (6), (b) (7)(C) of the Senate

6 Armed Services Committee and (b) (6), (b) (7)(C) is a former

7 Senate Intelligence Committee executive or staff member.

8 Q And they got a copy of the draft?

9 A I sent them a copy in December at some point, yeah.

10 Q Did they request it or --

11 A No. Mr. Crane asked me to forward it to them.

12 Q Did he say why?

13 A No.

14 Q Okay. Is that odd to give a staffer a draft
15 report?

16 A I did it three times, draft report. This one. The
17 Tannenbaum report went to (b)(6) (b)(7)(C) before it went out.
18 And there was one other one, the RMA report, which was the
19 Retired Military Analyst project.

20 Q Okay.

21 A And Tannenbaum report was at the request of (b)(6), (b)(7)(C)
22 (b)(6), (b)(7)(C) and Mr. Crane. This one was Crane. And the RMA report
23 was just Crane. Yeah.

24 Q Okay. Do you know if on this report that we're
25 talking about, do you know if someone directed Mr. Crane to

1 release it to the staffers that you mentioned, (b) (6), (b) (7)(C) and
2 (b)(6) (b)(7)(C)

3 A No. I left Mr. Crane's discussions with Ms.
4 Halbrooks with him. I didn't pry into that part, yeah.

5 Q Okay. So do you recall, do you think you still
6 have that e-mail that he sent you? Did he request, did you
7 ask you via e-mail to do that, to send it out, or did he
8 verbally?

9 A He sent an e-mail and I do not think I still have
10 it. I'm pretty sure I don't, because I'm pretty sure it got
11 deleted at some point in the last three months or so.

12 Q Okay.

13 A I've been going through and just getting stuff,
14 yeah, archiving and such.

15 Q Sure.

16 A But, I mean, it should still be on the tapes. I
17 mean, if you need to pull it you can pull it.

18 Q And that was you thought possibly December time
19 frame, give or take?

20 A It was before (b)(6)&(7)(C)

21 (b)(6)&(7)(C)

22 (b)(6)&(7)(C) So it would have been like in that December
23 time frame.

24 Q And the staffers you mentioned, they were committee
25 staff or they were member staff?

1 A (b)(6) (b)(7)(C) is (b) (6), (b) (7)(C) of the SASC so that's
2 committee staff.

3 Q Yeah, sure.

4 A And (b)(6), (b)(7)(C) is committee staff, Intel.

5 Q Okay.

6 A And I heard right after that that, I don't know if
7 this is, this is what I heard is that (b)(6) (b)(7)(C) had reached over
8 to the Senate Intel Committee, because Senator Levin is on
9 both committees, and had asked the Intel committee to
10 transfer its inquiry on ZDT to the SASC.

11 Q Okay.

12 A So my assumption was, just putting two and two
13 together -- Mr. Crane left right about this time -- was that
14 when the draft went over it had been privy to some discussion
15 between (b)(6) (b)(7)(C) and John and John was just having me be the
16 conduit so he wasn't the conduit. That's what I'm assuming
17 was the case.

18 BY SA (b)(6)&(7)(C)

19 Q So you personally in the fall/winter of 2012
20 actually sent a copy of that draft to certain individuals?

21 A Yeah, to the -- yes.

22 Q In total how many individuals are we talking about?

23 A Two individuals, (b) (6), (b) (7)(C) and (b)(6) (b)(7)(C) .

24 Q Anybody else?

25 A No.

1 Q Okay. You said you didn't read the draft?

2 A That's right. I did not read the draft.

3 Q You don't know what's inside?

4 A That's right.

5 BY SA (b)(6)&(7)(C)

6 Q Did either of those individuals, did you have any
7 discussions with either (b)(6) (b)(7)(C) or (b)(6) (b)(7)(C) about the report or is
8 it just you forwarded it on and --

9 A I forwarded it on and stepped back and I assumed
10 that whatever discussions were taking place between whatever
11 people was taking place.

12 Q Okay.

13 A In the past I had been invited to go up for
14 subsequent meetings. So on the Tannenbaum case I went up and
15 met with Senate Armed Services Committee staff, because the
16 question at that point was whether there was internal
17 corruption here. That's what this was about.

18 And on the RMA report I actually went up. Then
19 there was a subsequent Washington Times article about Mr.
20 Crane and (b)(6) (b)(7)(C) on the RMA report and I thought that was kind
21 of interesting because I don't think that came from Mr.
22 Crane. And the RMA report was sort of like an update of what
23 they were doing on that project. (b)(6) (b)(7)(C) was always, as (b)(6)&(7)(C)s
24 always, careful about not getting into the merits. It was
25 just sort of scope and methodology review.

1 And that's what I assumed was going on here. But
2 since I was not Mr. Crane's point of contact (b) (6), (b) (7)(C) was, I
3 assumed that whatever was going to go on was on the person
4 who was actually the point of contact for Mr. Crane on the
5 project.

6 Q Is that (b) (6), (b) (7)(C) ?

7 A Yeah.

8 Q (b) (6), (b) (7)(C) okay.

9 A (b) (6), (b) (7)(C) had been to the meetings and been working
10 with Henry and the legal staff.

11 BY SA (b) (6)&(7)(C)

12 Q And after you sent this draft off did you make a
13 telephone call or anything like that to talk to anybody about
14 that?

15 A No. I've had two conversations with (b) (6) (b) (7)(C) in the
16 last two years. (b) (6), (b) (7)(C) I talked to (b) (6)&(7)(C) in March
17 -- I think (b) (6)&(7)(C) on March 1st -- just to make sure (b) (6)&(7)(C)
18 stayed in touch. But no, we didn't talk about ZDT.

19 Q Okay, so no follow-up calls to say, "Hey, did you
20 get this?"

21 A No.

22 Q Okay. How about with Mr. Crane, did you go back
23 and say, "Hey, I did as you instructed me to do"?

24 A I don't remember, I think in part because this was
25 all like in December and then (b) (6)&(7)(C) The rest (b) (6)&(7)(C) was

1 (b)(6)&(7)(C) so I don't
2 remember whether I closed the loop with him. I might have
3 right before (b)(6)&(7)(C) but I can't remember.
4 Q Now, that report was in an attachment to an e-mail
5 that you sent out, correct?
6 A Yeah.
7 Q Okay. Now, how did it actually get onto that
8 attachment? And what I mean by that is did you make copies
9 of that or scan that or --
10 A Oh, no, it was sent to me by Mr. Crane.
11 Q Okay.
12 A By e-mail.
13 Q Okay. And you just forwarded it on?
14 A Yeah.
15 Q Okay.
16 A That's my recollection. I'm pretty sure about
17 that, yeah.
18 BY SA (b)(6)&(7)(C)
19 Q Do you recall if it was a PDF or a Word file or
20 what type of file?
21 A I'm pretty sure it was a PDF.
22 Q Okay.
23 A Yeah, I'm pretty sure it was a PDF.
24 BY SA (b)(6)&(7)(C)
25 Q Okay, and other than that did you make any copies

1 of it at all?

2 A No.

3 Q Okay, you didn't print it out, is that what you're
4 saying?

5 A I did not print it out.

6 Q Did you provide that draft to anyone else by any
7 means?

8 A No.

9 Q Do you have a personal e-mail account, sir?

10 A I do.

11 Q Do you want to share that with us?

12 A Yeah. It's Verizon and it's Hotmail and it's

13 (b)(6)&(7)(C)

14 Q So other than the reasons that we already discussed
15 is there any reason your e-mail accounts would show that you
16 had sent off that report or had access to that report by any
17 other means?

18 A I don't think so. And I think it went to my
19 government account. I don't think I used my private account
20 for that. I'm not sure, but I think it went from the
21 government account.

22 Q Okay. Is there any reason it might be in your
23 private account?

24 A If there was an (b)(6)&(7)(C) I
25 did have permission from Mr. Crane to use that account for

1 (b)(6)&(7)(C) But I'm 100 percent confident
2 there was no (b)(6)&(7)(C) involved.

3 Q Okay, with this draft?

4 A With this draft, definitely.

5 Q Now, how many people outside, other than the people
6 you already talked about, outside of DODIG regarding this
7 draft have you talked to?

8 A About ZDT or about the --

9 Q About this draft right here.

10 BY SA (b)(6)&(7)(C)

11 Q About this review.

12 A I saw (b) (6), (b) (7)(C) in the hallway and said that I
13 thought (b)(6)&(7)(C) was doing a great job on the project, and that was
14 based on what Mr. Crane had told me. And I saw (b) (6), (b) (7)(C) when I
15 was down in Intel, I think to brief (b)(6)&(7)(C) and I said
16 the same to (b)(6), (b)(7)(C)

17 BY SA (b)(6)&(7)(C)

18 Q Did you talk to anyone, and when I say anyone,
19 outside of DODIG? Your neighbor?

20 A No.

21 Q The (b)(6), (b)(7)(C) around the corner?

22 A No. I don't recall discussing it with (b)(6) (b)(7)(C)
23 (inaudible) when (b)(6)&(7)(C) because I did know that (b)(6) (b)(7)(C)

24 (b)(6)&(7)(C), (7)(E)

25 Q Mm-hmm.

1 A But I don't remember having any substantive talks
2 about it.

3 Q Who do you know who had access, other than the
4 people we've already talked about, to that report?

5 A Mr. Crane. I'm assuming the investigative team. I
6 knew that (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) were on that project, but I knew
7 that from Mr. Crane. During the project I didn't talk with
8 them at all. And (b) (6), (b) (7)(C)

9 Q Mm-hmm.

10 A And I think that's it.

11 Q Now, do you know the controversy which surrounds
12 this particular draft, the article about that draft? Are you
13 familiar with that?

14 A The article?

15 Q The article.

16 BY SA (b)(6)&(7)(C)

17 Q On the POGO website where there was, POGO published
18 an article and within that article this draft was posted.
19 Have you seen that on the Internet?

20 A I have not looked at the POGO report, the posting.
21 But yeah, they usually have like a press release with it.
22 Yeah.

23 Q Okay. And you're aware that they posted something
24 about this?

25 A Well, I knew they'd posted it and they usually put

1 a press release up, but I didn't -- and part of the reason
2 why I didn't go look at it was I didn't know if it was in the
3 category of something that was classified and then you can't
4 go look at classified information when it's on another web.
5 And so I just said, okay, I'll wait until I get asked
6 something and then I'll go look at it. And then nobody asked
7 because Mr. Crane was gone.

8 BY SA (b)(6)&(7)(C)

9 Q Did anybody come to you with concerns about that
10 particular draft?

11 A (b) (6), (b) (7)(C) and I talked about the release of it
12 and my concern was that it had not been marked. So then I
13 must have seen this, at least the cover, because if I said to
14 (b) (6), (b) (7)(C) it wasn't marked then I must have at least seen the
15 cover.

16 And (b) (6), (b) (7)(C) was worried about the insider threat
17 aspects of it. And (b) (6), (b) (7)(C) had I had been talking about the
18 insider threat program for the last year or so. And I think
19 that was an e-mail exchange. I'm pretty sure it was, because
20 I think (b) (6), (b) (7)(C) was also in on that. I think (b) (6), (b) (7)(C) was. I
21 think there was a third person in on that e-mail exchange
22 back and forth.

23 And (b) (6), (b) (7)(C) might -- wait a second. (b) (6), (b) (7)(C) and I may
24 have talked about it during a staff meeting. There were a
25 lot of press issues right about the time (b) (6), (b) (7)(C) took over and

1 I know we talked about a couple of press issues, but I can't
2 remember whether this was one. So I don't know, but (b) (6), (b) (7)(C)
3 and I might have talked about it and (b) (6) & (7)(C) might have been
4 involved in the exchange with (b) (6), (b) (7)(C) But this would have been
5 sort of after that POGO incident because it was all about,
6 you know, the release aspects and what that does for our
7 investigative process.

8 Q Did you have concerns about the release aspects of
9 that report?

10 A Oh, always with a draft. It's never appropriate
11 for a draft to go out in public like that. Yeah, and that
12 was part of the discussion with (b) (6), (b) (7)(C)

13 Q Okay, go back. Did you have concerns about the
14 release -- early, late -- of that particular draft?

15 A On the POGO website?

16 Q Yeah.

17 A I did.

18 Q Well --

19 A Oh, prior to that? I had no problem providing it
20 to (b) (6) (b) (7)(C)

21 Q Okay, well, let me put it this way.

22 A And I know that's a serious decision to make but my
23 assumption was when Mr. Crane asked me to do that that it was
24 cleared with the front office.

25 Q Okay, let me put it this way. Did you -- I'm not

1 talking about the others. Did you have concerns about the
2 release of that draft, late, early or otherwise?

3 A Released to whom? Just released in general?

4 Q Being published early, late or otherwise.

5 A Oh, oh, about like the findings?

6 Q No.

7 A No?

8 Q The completion time, whether --

9 BY SA (b)(6)&(7)(C)

10 Q So let me back up a little bit. So the POGO
11 article raised some concerns. I think this is what we're
12 talking about. The POGO article indicated that the report
13 was being held up within the OIG or whatever the allegation
14 was, that it was being delayed within the OIG. Are you aware
15 of anyone within the OIG who expressed those concerns, the
16 same concerns that appeared in the POGO article?

17 A Oh, Mr. Crane from August, at least August, maybe
18 earlier, August onward was concerned about the timing of the
19 report. In fact, I think that's most, I think it's all he
20 was concerned about. Originally he said they had agreed to
21 get it out by June, which was (b)(6), (b)(7)(C)

22 And he told me that it had problems so it did not get out by
23 June. He was worried about the political calendar.

24 Then they wanted to get it out. They thought, he
25 thought that it was inappropriate to release it in August

1 because of the conventions, so the next time period was like
2 September. And he thought it would be out in the
3 September/October time frame. And then I didn't hear much
4 about it in November.

5 And then the first part of December he had a
6 meeting, he told me he had a meeting with Henry Shelley and
7 that there was an agreement that it could go out at that
8 point in time.

9 I don't know that it was this draft they were
10 talking about. I don't know how many drafts (b) (6), (b) (7)(G) had or
11 what the decision was on that. But there was a timing issue.
12 I don't think it was about findings. It was a timing issue
13 and when it should go out. And I think that was all
14 predicated on there was some inquiry we did a year or two
15 before where we were accused of political timing on a report
16 and he was focused on it for that reason.

17 Q Okay.

18 BY SA (b)(6)&(7)(C)

19 Q Now, I think you've already said this.

20 A And all my information regarding whatever we were
21 thinking on this in the building came from John. (b) (6), (b) (7)(G) and I
22 had very few conversations about ZDT. We were respecting the
23 line that John put in between the two of us, yeah.

24 Q I think you already said this. Now, as far as your
25 e-mail accounts they would indicate that you were in contact

1 with a "@POGO.org"?

2 A Yeah. I think I get e-mails on the government
3 account still. I got some today from outside stakeholders.
4 So that would include, I think I've seen one from (b)(6) (b)(7)(C)
5 (b)(6) (b)(7)(C) in the last six months. I get Danielle's like
6 their automatic feed.

7 BY SA (b)(6)&(7)(C)

8 Q Sure.

9 A Like the outreach list. But I don't think that's
10 Danielle's e-mail. I don't send anything back. I think it
11 just says Danielle Brian because that's the automatic one.

12 Q And we know, obviously, you deal with them in your
13 official capacity routinely.

14 A Yes.

15 Q Any contact with POGO regarding this draft report
16 we're talking about today?

17 A No.

18 Q Okay.

19 A No.

20 BY SA (b)(6)&(7)(C)

21 Q And as far as the machines in your office before
22 (b)(6)&(7)(C) the multi-function machines, is there any reason
23 why any of those would have images in memory there of that
24 report?

25 A No, actually, I don't think so. I think it came

1 through, it was on the e-mail and I forwarded it. And so I
2 think it would be on the tapes. I think that's where to look
3 for it. And I think again it would be that first two weeks
4 in December. But as you all know from my past experience
5 with your office, memory is very difficult after about three
6 months.

7 (Laughter.)

8 A And I am very sensitive to that now. (b)(6)&(7)(C)

9 (b)(6)&(7)(C) But boy, you can,
10 I mean, it's very easy if you have something you can
11 remember, like I can remember pre Crane walkout and post
12 Crane walkout. But when you get into like large blocks of
13 three months or so and there's a lot of stuff, after about
14 three months I have a hard time sifting through it.

15 Q Were you authorized to release that draft to
16 anyone?

17 A My understanding is that I was authorized to
18 release it to the two committee members. I was authorized to
19 release it.

20 Q Anybody else outside of DODIG?

21 A No.

22 BY SA (b)(6)&(7)(C)

23 Q And just for the transcriber, how do you spell

24 (b)(6) (b)(7)(C)

25 A (b)(6) (b)(7)(C)

1 Q Okay, thank you.

2 BY SA (b)(6)&(7)(C)

3 Q And it would be fair to say that you did not
4 provide that draft report to anyone outside of DODIG?

5 A Yes.

6 Q And would it be fair to say that -- you can answer
7 this. Did you provide the report or any elements to anyone
8 at POGO?

9 A I did not.

10 Q Do you know of anyone who did?

11 A No, I do not.

12 Q Do you have knowledge of anyone who discussed the
13 draft report with someone at POGO?

14 A Mr. Crane may have. And I don't know it for
15 certain, but I know that he is considered a whistleblower on
16 Dawood, ZDT and DFAS. (b)(6), (b)(7)(C)
17 when he disclosed on Dawood. (b)(6), (b)(7)(C)
18 disclosures regarding ZDT.

19 Q Now, let's get to the weeds on that a little bit.

20 A Yeah.

21 Q You're saying Mr. Crane may have talked to someone
22 at POGO regarding that draft, right?

23 A Yeah. Yeah.

24 Q Were you there?

25 A No.

1 Q Okay. Did he talk to you about that?

2 A No.

3 Q How do you know that he may have or may not have?

4 A Because POGO is helping him with his current
5 situation and POGO's been interested in ZDT.

6 Q Okay, so it would be fair to say he didn't tell you
7 that?

8 A He did not tell me that.

9 Q Okay. Did you see anything in writing or e-mail or
10 otherwise that would --

11 A No.

12 Q -- confirm that?

13 A No.

14 Q And no one from POGO might have told you that they
15 talked to Crane about it?

16 A Definitely nobody at POGO has told me that, yes.

17 Q And you didn't have any discussions with anyone
18 else about Mr. Crane talking to somebody at POGO regarding
19 that draft?

20 A Correct.

21 SA (b)(6)&(7)(C) Okay. (b) (6), (b) (7)(C)

22 SA (b)(6)&(7)(C) No, nothing from me.

23 BY SA (b)(6)&(7)(C)

24 Q Is there any information you would like to give us
25 that we didn't go over?

1 A I don't think so.

2 BY SA (b)(6)&(7)(C)

3 Q Of course, we champion the right of whistleblowers.
4 You know, that's our job as an IG. The concern that we're
5 looking at is this specific draft.

6 A Yes.

7 Q The release of this specific draft.

8 A Yeah.

9 Q And, you know, we're all sensitive to the
10 whistleblowing community, particularly because it's so
11 important to our position here in the OIG.

12 A Yeah.

13 Q So, okay, but go ahead.

14 A Well, one thing I will add. During this entire
15 evolution from mid-December onwards (b)(6)&(7)(C)

16
17 (b)(6)&(7)(C)

18 Q Sure.

19 A So I had an extreme motive to be extremely careful
20 about everything I was doing. And the transmission of the
21 report to (b)(6) (b)(7)(C) and (b)(6) (b)(7)(C) was exactly the same sorts of
22 instructions I'd received twice before, and I always
23 understood Mr. Crane to have approval to share those drafts.
24 And I know that sharing drafts is very problematic
25 because they are not final and you could have something go on

1 in investigative process late that changes what the finding
2 is. But I also know that with committees of jurisdiction
3 that sometimes they're reviewing things because they're
4 reviewing us.

5 And I know of no matter involving ZDT where I think
6 I have seen anything that says that this agency acted
7 incorrectly. So I have no direct observations that (b) (6), (b) (7)(C) or
8 (b) (6), (b) (7)(C) or anybody else acted incorrectly. So I'm very
9 comfortable about what we have done on this project.

10 BY SA (b)(6)&(7)(C)

11 Q Or indirect observations?

12 A Or indirect, yeah.

13 Q Clear that up.

14 A Good, counselor.

15 (Laughter.)

16 SA (b)(6)&(7)(C) Okay, let's read you out. Other than
17 administrative matters have we discussed anything relating to
18 this investigation that is not a part of this tape-recorded
19 interview?

20 THE WITNESS: No, we haven't.

21 SA (b)(6)&(7)(C) Have we made any promises or
22 representations to you that are not part of this tape-
23 recorded interview?

24 THE WITNESS: No, you haven't.

25 SA (b)(6)&(7)(C) Do you have any comment regarding the

1 manner in which we conducted this interview today?

2 THE WITNESS: I think you all have been very
3 professional, as you always are.

4 SA (b)(6)&(7)(C) Have we treated you okay?

5 THE WITNESS: Yes, as I would expect you to treat
6 all of your witnesses.

7 SA (b)(6)&(7)(C) This is an official inquiry. You are
8 under no obligation to disclose the nature of this interview
9 to others, including supervisors. Please do not discuss this
10 inquiry or the questions, answers or discussions included in
11 this interview with anyone in order to avoid hindering our
12 further efforts.

13 I recommend that if anyone asks you about this
14 interview you may say, "I am not at liberty to discuss what
15 we talked about." This does not apply to or restrict your
16 ability to contact an IG, your attorney, or a member of
17 Congress.

18 Do you have any questions concerning this
19 advisement?

20 THE WITNESS: No, I do not.

21 SA (b)(6)&(7)(C) Okay, this concludes this interview and
22 it is 10:31.

23 (The interview was concluded at 10:31 a.m.)

24 * * * * *

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DEPARTMENT OF DEFENSE
OFFICE OF INSPECTOR GENERAL

DEPUTY INSPECTOR GENERAL FOR
OFFICE OF PROFESSIONAL RESPONSIBILITY

DIGITAL TRANSCRIPTION

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X - - - - - X
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: (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)
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August 8, 2013

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1 P R O C E E D I N G S

2 (b) (6), (b) (7)(C) Good morning. The time is 11:29 a.m.

3 Today's date is the 8th of August 2013. My name is (b) (6), (b) (7)(C)

4 I'm a special agent with DCIS assigned to the Office
5 of Professional Responsibility. Present with me today is

6 (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) also with OPR.

7 We're conducting an interview of, can you state
8 your name and spell your last name?

9 (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Last name (b) (6), (b) (7)(C)

10 (b) (6), (b) (7)(C) Okay. And before we go further can you
11 please raise your right hand so I may swear you in?

12 Whereupon,

13 (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

14 was called as a witness and, having been first duly sworn,
15 was examined and testified as follows:

16 EXAMINATION

17 BY (b) (6), (b) (7)(C)

18 Q And I also need you to confirm that you are aware
19 we are recording this conversation.

20 A I'm aware you are recording this conversation.

21 Q Okay. And to start with a little background, let
22 us know your place of employment, your job description and
23 also your current position.

24 A Place of employment is Office of Inspector General
25 in the Office of the (b) (6), (b) (7)(C)

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1 (b) (6), (b) (7)(C) . My duty title

2 is (b) (6), (b) (7)(C) And what was the, oh, duty description.

3 (b) (6), (b) (7)(C)

4 That's pretty much it.

5 Q As part of that job do you guys do investigations
6 also?

7 A (b) (6), (b) (7)(C)

8 Q Okay. How long have you been in that position?

9 A (b) (6), (b) (7)(C) .

10 Q Now, do you know what the Project on Government
11 Oversight is?

12 A No. Well, not, let me clarify. I did not know
13 until I saw this leak happen or as Ms. Halbrooks has said,
14 this unauthorized disclosure happened. And when I saw it,
15 pretty concerned with my own because I knew it would cause a
16 lot of extra work for me.

17 Q So it would be fair to say you don't know anyone at
18 POGO and you didn't know --

19 A I don't know anybody at POGO at all.

20 Q All right.

21 A Or that I know to be of POGO.

22 Q Now, before we went on tape I think you expressed
23 knowledge of this document.

24 A Yes.

25 Q Okay, can you tell us what that is?

1 A This is my report from the review that(b) (6), (b) (7)(C)our
2 office of general counsel did. We came to the kind of
3 resolution that this was generally around the
4 November/December time frame report version.

5 Q So was that a draft, is that what we're saying?

6 A This is a draft. Predecisional draft report.

7 Q Okay. Now, on the draft is there normally some
8 classification that's indicated on the draft?

9 A So this report actually had two versions. This had
10 a Secret version and an unclass version that was completely
11 unclassified. So the Secret version, which this one is not,
12 had "Secret" at the top and bottom and paragraph markings.

13 Q Now, the ones that are not Secret, do they have
14 FOUO or --

15 A Not this one, no.

16 Q Or any markings?

17 A The plan that was agreed to with leadership was
18 that this was going to be fully unclassified because once we
19 give it to Congress we knew that it was going to be leaked,
20 so why not give them something that they can officially post
21 without leaking any For Official Use Only information.

22 Q Now, just tell us about your full involvement with
23 that particular draft.

24 A (b)(6), (b)(7)(C)

25 (b) (6), (b) (7)(C)

1 (b) (6), (b) (7)(C) to the deputy inspector general, Mr. Jim Ives, well,
2 acting at that time, who is --

3 Q How do you know that that particular one is amongst
4 all the other drafts?

5 A Because basically we did a very thorough review of
6 trying to figure out when the date, time group of this
7 happened. I met with all the senior leadership of the -- Ms.
8 Garrison, I believe, was there. Henry Shelley. Mrs.

9 Halbrooks. (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) . (b) (6), (b) (7)(C)

10 and (b) (6), (b) (7)(C) And (b) (6), (b) (7)(C)

11 (b) (6), (b) (7)(C)

12 And this one was the one that we sent to the Office
13 of Congressional Communications Liaison, and that was in
14 November time frame, I believe.

15 Q And how would you identify that?

16 A Basically, so how I was able to identify it were
17 changes in the "CIA headquarters award ceremony" and "moving
18 forward" paragraphs. These were distinct in this version of
19 the draft.

20 Q Okay. So you,

21 (b) (6), (b) (7)(C)

22 A Yeah.

23 Q And that time frame was once again? What was the
24 time frame?

25 A November/December time frame.

1 Q Okay, 2012, is that correct?

2 A Two thousand twelve, yes.

3 Q Okay. So that particular version, when was the
4 first and last time you saw that?

5 A I don't know. Well, the last time I saw it is
6 right now.

7 Q Before today.

8 A The first time I saw this, I can't tell you exactly
9 the first time I saw this other than (b) (6), (b) (7)(C) So
10 when it was incepted (b)(6), (b)(7)(C) So when it was created is
11 the first time I saw it. The last time I saw it was now.
12 The last time before I saw it on Project on Government
13 Oversight was probably when I sent it up to OGC/Mr. Ives.

14 Q And what is your understanding about the handling
15 of drafts, draft reports?

16 A Contained completely in internal e-mails.

17 Q And how do you know that?

18 A Well, from my own perspective is I know that I've
19 only given it in internal e-mails and also, let me see here,
20 hand-offs. The versions that I gave to the Joint Staff and
21 to NSA for classification review had "Predecisional Draft" on
22 each page.

23 Q So (b) (6), (b) (7)(C)

24 (b) (6), (b) (7)(C) is that what you're saying?

25 A Yeah, (b) (6), (b) (7)(C)

1 Q (b) (6), (b) (7)(C)

2 A

3 Q Yeah.

4 A I have no idea. This report probably took down an
5 entire forest of trees because of how many times I had to

6

7

8

9

10

11

12 Q Mm-hmm.

13 A And we would give it to OGC sometimes in e-mail,
14 sometimes hand copy. Sometimes they'd reply hand copy.

15 Sometimes they would reply in e-mail with the draft. Gave it
16 to OCCL physically and electronically. I only gave it to the
17 Joint Staff and NSA via electronic means.

18 BY (b) (6), (b) (7)(C) :

19 Q The Joint Staff. So NSA got it for classification
20 review did you say?

21 A Yes.

22 Q Joint Staff, what did they get it for?

23 A Classification review as well.

24 Q Also classification review?

25 A Yes.

1 Q And so did they get a version such as this one?

2 A Yeah, but their version got "Draft Predecisional."

3 Q Oh, I see. There was a watermark on it?

4 A Yeah.

5 Q Okay.

6 A I can give you that e-mail.

7 Q And same with the NSA one? It had that watermark
8 on it?

9 A Yes.

10 Q Okay, got it.

11 BY (b) (6), (b) (7)(C)

12 Q And do you have a personal e-mail account?

13 A Yes.

14 Q And what might that be?

15 A (b) (6), (b) (7)(C) gmail.com. And then

16 (b) (6), (b) (7)(C) @gmail.com and (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

17 Q Okay. Now, have you talked to anyone outside of
18 DODIG regarding the draft report, that draft report or
19 elements of it?

20 A When you say talked what do you mean?

21 Q In other words, have you had conversations with
22 your neighbor, the guy around the corner?

23 A After this came out or before it came out?

24 Q At any time.

25 A At any time? Definitely after it.

1 Q How about before?

2 A Before?

3 Q Yes.

4 A Not about this specific draft.

5 Q Well, about --

6 A Generally just that we were doing a report and it
7 was revolving around this information. You've got to be more
8 specific with the question because I was talking to a lot of
9 people about a lot of different things, especially regarding
10 this report.

11 Q Okay, let me put it this way.

12 Q (b) (6), (b) (7)(C)

13 Q Before the article came out, before it was
14 disclosed that there was an unauthorized release of that did
15 you talk to anyone outside of DODIG relative to that report?

16 A No.

17 Q Okay. Did anyone communicate with you about that?

18 A No.

19 Q Call you up and say, hey, you know. Just any
20 discussions whatsoever?

21 A To put it on record, (b) (6), (b) (7)(C) did call me about
22 the report. (b) (6), (b) (7)(C) was the (b) (6), (b) (7)(C) . Not
23 about this specific report but about when the report was
24 going to come out. (b) (6), (b) (7)(C)

25 secretary of defense, Leon Panetta (b) (6), (b) (7)(C) called me directly.

1 So that happened sometime in 2012.

2 And that was, that I reported up and we had a
3 meeting with the PDIG, so at that time PDIG (inaudible) so I
4 did talk to the secretary's office about what the status of
5 the report was. I did talk to the Joint Staff and NSA
6 because they were asking, and SOCOM was also asking. So we
7 were telling them sort of the status of our report.

8 BY (b) (6), (b) (7)(C)

9 Q Other than you mentioned before about the
10 classification review, so we got that.

11 A Mm-hmm.

12 Q Other than that did you provide the draft to any of
13 those people you talked about?

14 A No.

15 Q Okay.

16 BY (b) (6), (b) (7)(C)

17 Q They just inquired about the --

18 A The inquired about the status because they had
19 tasks open that they needed to close.

20 Q So did anyone show, other than them, any concerns
21 about the timing of when the report was going to be published
22 or anything like that?

23 A Not really. I mean, the Joint Staff, because of
24 the multiple classification reviews even past this that we
25 had to do with them, they were wondering if it was ever going

1 to come out. But other than that, not really.

2 Q Did anyone in the office come and say, "Hey, you
3 know, this should have been out the door a long time ago"?

4 A (b) (6), (b) (7)(C)

5 (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

6 (b) (6), (b) (7)(C)

7 (b) (6), (b) (7)(C)

8 Q Now, is there any reason your e-mail accounts would
9 reveal that you shared this draft report with anyone outside
10 of DODIG?

11 A There is no reason why I would have this
12 information on my personal e-mail accounts.

13 Q Now, is there any reason why any of your e-mail
14 accounts would show that you have a "@POGO.org" address?

15 A Unless it was a random sent to me. I've never
16 contacted @POGO.org or anybody at POGO at all about anything.

17 BY (b) (6), (b) (7)(C)

18 Q Now, you talked about the I guess concerns about
19 how long the report was going to go out. Have you read the
20 POGO article online?

21 A Yeah.

22 Q Okay. The issues that were raised in that article,
23 did you hear those issues being discussed around the office?

24 A Well, the first thing is the Santa Claus thing.
25 That was something that struck me because I've never -- why

1 would somebody say Santa Claus or Santa Claus comes early or
2 whatever? So when I saw that me and (b) (6), (b) (7)(C) said yeah,
3 that's definitely something that we, if we were doing an
4 investigation into this that would be something that we would
5 ping on as okay, who sent something that said Santa Claus
6 comes early?

7 But other than that the general statements in there
8 are things that many, many, many people brought to my
9 attention.

10 Q Were all those people (b) (6), (b) (7)(C)

11 A Pretty much, yeah.

12 Q Did you --

13 A Well, I think some other people at, yes, other
14 people in OCCL did bring up that this is taking a while and
15 why certain things were taken out and that we were doing a
16 good job and things like that.

17 Q Who in OCCL?

18 A (b) (6), (b) (7)(C) I think, I can't
19 recall but John Crane might have also said something to the
20 effect that this is a good report, but I can't remember.
21 That was a while ago. And then (b) (6), (b) (7)(C)

22 Q I guess what conversations -- let me ask it this
23 way. Did you I guess provide any information to any of those
24 folks about the circumstances surrounding the delay in the
25 report or anything like that?

1 A Most of those people were at the monthly briefings.

2 Q Okay.

3 A So up until, when did we stop doing monthly
4 briefings? I can't remember exactly. But we were doing
5 monthly briefings with OCCL, OGC, and the front office. So
6 they were -- and OCCL was getting reports as early as, let me
7 think. I don't want to tell you incorrect information
8 because I don't, that's kind of why I wanted to know what
9 this was about so I could bring my little fact sheet of all
10 this stuff so I could tell you accurate information.

11 But OGC got it in August time frame and OCCL got it
12 in September time frame.

13 Q Okay.

14 BY (b) (6), (b) (7)(C)

15 Q Now, just for the record, you didn't provide this
16 report to anyone outside of DODIG, is that correct?

17 A This particular report?

18 Q Yes.

19 A Like I said, well, if you're saying -- I'm pretty
20 sure the predecisional might be the same one but I'm not 100
21 percent sure. I didn't go literally line by line. I just
22 was going off of just generally things were happening really
23 fast that week. And again, the classification review
24 versions were sent to Joint Staff and NSA. And then another
25 classification review version was also sent predecisional to

1 DIA because any SCI information is supposed to reported to
2 DIA. They're the SCI managers for DOD.

3 Q Okay, one final question. You've already answered
4 this, but everyone knew or put it this way. You and it's
5 your understanding everyone knew that draft reports are not
6 supposed to --

7 A Yeah. Yeah.

8 Q Okay.

9 A No, there was no reason for this to get out. There
10 wasn't. And like I said when I started this, when I saw this
11 on POGO I'm like, "Oh, God, there goes my month." Which
12 truly it did. It made my life miserable. And why would I
13 want to make my own life miserable? Why would anybody want
14 to make my life miserable? But, I mean, it is what it is.
15 And we did get a report out.

16 And from my knowledge is I don't know who, to give
17 you a, I don't know who put this out. I did not put this
18 out.

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

19 (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

20

21

And (b) (6), (b) (7)(C)

22 was on that, and (b) (6), (b) (7)(C) and then somebody else, so.

23 BY (b) (6), (b) (7)(C) :

24 Q Was there anything in the way those individuals
25 conducted themselves that made you, I guess, suspicious of

1 them?

2 A No. I mean, I will say (b)(6), (b)(7)(C)

3 (b)(6), (b)(7)(C)

4 Q Which office?

5 A The OIG.

6 Q Oh, the agency, okay.

7 A Yeah. (b)(6), (b)(7)(C)

8 Q Okay. Okay. Have you had any discussions with (b)(6), (b)(7)(C)
9 about the fact that this got released?

10

11

12

13 (b)(6), (b)(7)(C)

14

15

16

17 BY (b) (6), (b) (7)(C)

18 Q When did (b)(6), (b)(7)(C) say that to you?

19 A Multiple times.

20 BY (b) (6), (b) (7)(C) :

21 Q Like before this was released, before it appeared
22 on the POGO website?

23 A I cannot remember exactly the dates. I mean, I
24 know (b)(6), (b)(7)(C) said it multiple times. I just cannot remember.

25

1 BY SA (b)(6)&(7)(C)

2 Q Did that leave you with the impression that (b)(6)&(7)(C) had
3 read the whole report?

4 A If you want me to be completely honest (b)(6)&(7)(C)

5 (b)(6)&(7)(C) But

6 again --

7 Q Do you have proof of that?

8 A No. This is a (b) (6), (b) (7)(C) tingling sense, intuition.

9 BY SA (b)(6)&(7)(C)

10 Q Yeah, but walk us through what's giving you that.

11 A Okay, the POGO website says that the person was a
12 whistleblower and they communicated with Congress. If

13

14

15

(b)(6)&(7)(C)

16

17

18

19 And then obviously when (b)(6)&(7)(C)

20 (b)(6), (b)(7)(C) you know, stuff like that. Now I think that I'm

21 making, now this one, right when I said that like I think I

22 recall (b)(6)&(7)(C)

23 another," but that might just be me creating that personal

24 memory in my head.

25 But I know 100 percent that (b)(6)&(7)(C)

1 (b) (6), (b) (7)(C)
2 "
3 Q (b) (6), (b) (7)(C)
4
5 A (b) (6), (b) (7)(C)
6 Q
7 A
8 BY (b) (6), (b) (7)(C)
9 Q In this building?
10 A Yeah, in this building.
11 BY (b) (6), (b) (7)(C)
12 Q So this thing appeared on the website when? Do you
13 have that?
14 A About a month ago.
15 Q Yeah. I was going to say June.
16 A Late May, early June.
17 Q (b) (6), (b) (7)(C)
18 (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)
19 (b) (6), (b) (7)(C)
20 (b) (6), (b) (7)(C)
21
22 Q Okay.
23 A But I can't tell you the exact dates.
24 BY (b) (6), (b) (7)(C)
25 Q You're certain at least one time was prior to --

25 A I can't. I can provide you the e-mail chain of

1 what (b)(6)&(7)(C) was on. And I think what (b)(6)&(7)(C)

2 (b)(6)&(7)(C) or something of that nature, and that's why (b)(6)&(7)(C)

3 (b)(6)&(7)(C) I can't. Again, I'm giving

4 you probably not totally factual information.

5 BY SA (b)(6)&(7)(C)

6 Q The day when (b)(6)&(7)(C) made that comment, would your e-

7 mails refresh your memory --

8 A No.

9 Q -- as to that day, what day it was?

10 A No.

11 Q No?

12 A Because I don't think I would have, I don't think I
13 would have wrote it in e-mail.

14 Q Well, not that, but maybe something else that might
15 refresh your memory as far as this was said on that day. You
16 were working on something or anything like that.

17 A (No audible response.)

18 Q If it comes to you later just let us know.

19 A Yeah.

20 SA (b)(6)&(7)(C) Nothing further.

21 SA (b)(6)&(7)(C) Okay, let's help you out of here.

22 Other than administrative matters have we discussed anything
23 relating to this investigation that is not a part of this
24 tape-recorded interview?

25 THE WITNESS: Did we discuss --

1 SA (b)(6)&(7)(C) In other words, have we talked about
2 anything that's not on this tape as far as this investigation
3 is concerned?

4 THE WITNESS: Oh, no. No.

5 SA (b)(6)&(7)(C) Have we made any promises or
6 representations to you that are not part of this tape-
7 recorded interview?

8 THE WITNESS: Other than you started the witness
9 thing. You didn't put that on the tape recording.

10 SA (b)(6)&(7)(C) Elaborate.

11 THE WITNESS: You said that, when we started you
12 said, "Oh, you're just a witness in this."

13 SA (b)(6)&(7)(C) Yes. Yes, you are just a witness.

14 THE WITNESS: Okay.

15 SA (b)(6)&(7)(C) Now it's on the tape.

16 THE WITNESS: Yeah.

17 SA (b)(6)&(7)(C) Do you have any comment regarding the
18 manner in which we conducted this interview today?

19 THE WITNESS: No.

20 SA (b)(6)&(7)(C) Did we treat you okay?

21 THE WITNESS: Yes.

22 SA (b)(6)&(7)(C) This is an official inquiry. You are
23 under no obligation to disclose the nature of this interview
24 to others, including supervisors. Please do not discuss this
25 inquiry or the questions, answers or discussions included in

1 this interview with anyone in order to avoid hindering our
2 further efforts.

3 I recommend that if anyone asks you about this
4 interview you may say, "I am not at liberty to discuss what
5 we talked about."

6 THE WITNESS: Okay.

7 SA (b)(6)&(7)(C) This does not apply to or restrict your
8 ability to contact an IG, your attorney, or a member of
9 Congress.

10 Do you have any questions concerning this
11 advisement?

12 THE WITNESS: Two things. One is going to be
13 administrative. (b) (6), (b) (7)(C) that
14 I would be coming to this.

15 SA (b)(6)&(7)(C) Oh, that's fine.

16 THE WITNESS: Okay. And then the other thing is
17 that I know, because I've done them, do I need to sign a
18 Privacy Act statement or any of that? I can't remember.

19 SA (b)(6)&(7)(C) With us, no.

20 SA (b)(6)&(7)(C) The time is five minutes to 12:00 and
21 that concludes this interview.

22 (The interview was concluded at 11:55 a.m.)

23 * * * * *

24

5

DEPARTMENT OF DEFENSE
OFFICE OF INSPECTOR GENERAL

DEPUTY INSPECTOR GENERAL FOR
OFFICE OF PROFESSIONAL RESPONSIBILITY

DIGITAL TRANSCRIPTION

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X - - - - - X
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:   INTERVIEW OF   :
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:   (b) (6), (b) (7)(C) :
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August 19, 2013

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(b) (6), (b) (7)(C)- 8/19/13

1 P R O C E E D I N G S

2 SA (b)(6)&(7)(C) Good afternoon. The time is four
3 minutes after 2:00 p.m. on the 19th of August 2013. My name
4 is (b) (6), (b) (7)(C) I'm a special agent with DCIS assigned to
5 the Office of Professional Responsibility. Present with me
6 today is (b)(6)&(7)(C), also with OPR.

7 We are conducting a re-interview of --

8 (b) (6), (b) (7)(C), (b) (7)(C) (b) (6), (b) (7)(C)

9 SA (b)(6)&(7)(C) Okay, and spell your last name (b) (6), (b) (7)(C)
10 (b) (6), (b) (7)(C)

11 (b) (6), (b) (7)(C), (b) (7)(C) (b) (6), (b) (7)(C)

12 SA (b)(6)&(7)(C) Okay. And just like before we're going
13 to swear you in.

14 Whereupon,

15 (b) (6), (b) (7)(C)

16 was called as a witness and, having been first duly sworn,
17 was examined and testified as follows:

18 EXAMINATION

19 BY SA (b)(6)&(7)(C)

20 Q And I also need you to confirm that you are aware
21 we are recording this conversation.

22 A I am.

23 BY SA (b)(6)&(7)(C)

24 Q All right. Thanks for coming back in. We just
25 have a few follow-up questions regarding some of it generally

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(b) (6), (b) (7)(C)- 8/19/13

1 with respect to the release of draft reports, you know, what
2 OCCL's policy is about that, and specifically interactions
3 with the Hill and draft reports.

4 So the draft, we're still talking about the same
5 draft, which was before the one that appeared on the POGO
6 website. What's the general policy within OCCL about
7 releasing draft reports to congressional staff?

8 A We do not release draft reports to congressional
9 staff. We don't release draft reports to anyone. OCCL's
10 role is just to review draft reports, and we're currently
11 kind of revising our instruction on that role.

12 But we review them to see if there's going to,
13 some, the ones that are high visibility are already kind of
14 deemed to have like a congressional interest or a media
15 interest or that kind of thing. So some of them have been
16 requested by members so we review draft reports to make sure
17 that they're responding to, you know, the congressional
18 request or legislative mandate. But we do not release draft
19 reports.

20 Q Was Mr. Crane aware of that policy, John Crane?

21 A Yeah.

22 Q Okay. Did he articulate that policy to the staff
23 in OCCL?

24 A Yeah. I think that he was probably involved in
25 creating the policy because I think we didn't really start

1 looking at the draft reports until the, there was a report
2 that was issued, oh, it was really controversial several
3 years ago and it's what kind of led us to getting the
4 testimonial subpoena authority.

5 I think I&E had done it. It was on, now I forget
6 the subject of the report but it was really controversial and
7 it was a congressionally requested review and, you know, it
8 didn't really address the questions. And Mr. Crane had
9 looked at it at various stages and that's kind of what led to
10 us reviewing draft reports that kind of, because before then
11 we just, you know, would wait for them to be issued and, you
12 know, come out in final and then send it out.

13 But he had concerns that that report in particular
14 wasn't responsive to the request.

15 Q Okay. But just to clarify, the draft report itself
16 would not be released? It would be a review by your office
17 and then --

18 A Right, to address whether or not it was meeting the
19 expectations of Congress and, you know, we were looking at
20 what they, what we had, what they had wanted us to look at.

21 Q And I saw there's an IG instruction, and I didn't
22 bring it in with me but I think it's 45.

23 A The Congressional Affairs instruction.

24 Q Yes.

25 A And that's the one that we're actually revising

(b) (6), (b) (7)(C)- 8/19/13

1 that to kind of better define what OCCL's role is in
2 reviewing the draft and final reports.

3 Q Okay.

4 A But we never release the draft reports.

5 Q Okay. And as I read that instruction that appears
6 to prohibit the release of draft reports to the Hill anyway.

7 A Right.

8 Q Okay. With respect to this draft report involving
9 the Zero Dark Thirty report, the King report I guess we call
10 it, was there any discussion about releasing that draft
11 report to the Hill?

12 A No.

13 Q Okay.

14 A Not that I'm aware of.

15 Q Did Mr. Crane ever indicate that he was going to
16 authorize the release of that draft?

17 A No. We never release draft reports. But there was
18 talk about it not being, not going out in a draft form, that
19 it would just right away go to final.

20 Q Mm-hmm.

21 A So maybe that might be. Because there are
22 occasionally reports that Audit and I think some of the other
23 components do where they don't do a draft which goes to
24 management for, you know, management comments. That if
25 there's no recommendations occasionally they'll go straight

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(b) (6), (b) (7)(C)- 8/19/13

1 to final.

2 Q Okay. But in this case, like back, so the time
3 frame we're --

4 A But a draft report, yeah.

5 Q The time frame we're talking about is before this
6 report appeared on the POGO website. It's our understanding
7 it was provided to Senate staffers.

8 A No, no, we briefed Senate staffers but we did not
9 provide them the draft report.

10 Q Okay.

11 A We had just meetings with on the Senate side Senate
12 Armed Services Committee and the Senate Intelligence
13 Committee. And then we'd also been briefing Chairman King on
14 the House side, his staff. But we never gave them the
15 results of the report. There were questions that Chairman
16 King had asked in his letter and we'd advised them of the
17 responses to those questions.

18 Q And were you present at those meetings with the
19 SASC and the SSCI members?

20 A Yes.

21 Q Was (b) (6), (b) (7)(C) one of those staffers that --

22 A Yes.

23 Q And (b)(6)&(7)(C) was (b)(6)&(7)(C) another one on the SASC
24 side?

25 A Was (b)(6)&(7)(C) at the meeting? I remember (b) (6), (b) (7)(C) being

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(b) (6), (b) (7)(C)- 8/19/13

1 at the SSCI meeting because (b) (6) & (7) (C) was very confrontational, you
2 know, like saying that we weren't doing our job right. And I
3 have write-ups of both of the SSCI and SASC meetings that I
4 can provide to your office.

5 Q Oh, yeah, that would be great. So focusing on
6 (b) (6), (b) (7)(C) the meeting with (b) (6), (b) (7)(C) and SSCI, was (b) (6), (b) (7)(C) at that
7 meeting?

8 A I don't think so. (b) (6) & (7) (C) sent an e-mail (b) (6), (b) (7)(C)
9 sometimes, (b) (6) & (7) (C) not Congressional Affairs but (b) (6) & (7) (C) would take
10 it upon (b) (6) & (7) (C) to do Congressional Affair activities. So I
11 think (b) (6) & (7) (C) had reached out to the SSCI for some reason and
12 offered them a briefing on this, and I don't know why (b) (6) & (7) (C) did
13 because I was already working with the SSCI staff to set up a
14 meeting.

15 Q Do you have those e-mails? So just explain that,
16 please. So (b) (6), (b) (7)(C) reached out to the SSCI staff and what
17 did (b) (6) & (7) (C)

18 A (b) (6) & (7) (C) sent (b) (6), (b) (7)(C) an e-mail that said something like,
19 "Do you need to have a briefing on this?" And I was upset
20 about that because I had already been working with (b) (6), (b) (7)(C) with
21 (b) (6), (b) (7)(C) you know, in setting up a meeting. And (b) (6) & (7) (C) had just
22 kind of reached out to them separately and I didn't know if
23 (b) (6) & (7) (C) had been working with (b) (6), (b) (7)(C) But I was already, you know,
24 engaging (b) (6), (b) (7)(C) Oh, you know, what dates you're available to
25 brief and that kind of thing.

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(b) (6), (b) (7)(C)- 8/19/13

1 BY SA (b)(6)&(7)(C)

2 Q The time frame this occurred?

3 A I might still have e-mail. I don't know.

4 BY SA (b)(6)&(7)(C)

5 Q What was (b)(6), (b)(7)(C) interest in this matter?

6 A I never understood what (b)(6)&(7)(C) interest is because it
7 wasn't a whistleblower issue. I mean, because (b)(6)&(7)(C) deals with
8 staffers sometimes, you know, regarding whistleblower
9 concerns. But this was not a whistleblower issue so I don't
10 know what (b)(6)&(7)(C) why (b)(6)&(7)(C) was reaching out to them.

11 BY SA (b)(6)&(7)(C)

12 Q Did you ever have conversation with (b)(6)&(7)(C) relative to
13 the report, time frame, anything like that?

14 A With (b)(6), (b)(7)(C) no, I didn't really.

15 Q Mm-hmm.

16 A Because (b)(6)&(7)(C) was kind of overlapping on our role I
17 tried to not deal with (b)(6)&(7)(C) as much.

18 BY SA (b)(6)&(7)(C)

19 Q So I guess without beating around the bush, was (b)(6), (b)(7)(C)
20 inserting (b)(6), (b)(7)(C) in something that (b)(6), (b)(7)(C) shouldn't have been
21 in?

22 A In my view (b)(6)&(7)(C) was.

23 Q Okay, and what makes you say that?

24 A Because it wasn't a whistleblower issue. It was a
25 request that Chairman King had and understandably the SSCI

(b) (6), (b) (7)(C)- 8/19/13

1 was, you know, interested in it. But I was already engaging
2 the SSCI in setting up a meeting and (b)(6)&(7)(C) didn't need to be
3 involved in it.

4 BY SA (b)(6)&(7)(C)

5 Q Did (b)(6)&(7)(C) have questions of you with regards to the
6 report? Did (b)(6)&(7)(C) come to you and ask you specific questions
7 concerning the report?

8 A Not that I can recall. I tried to kind of limit my
9 interaction with (b) (6), (b) (7)(C)

10 BY SA (b)(6)&(7)(C)

11 Q Okay. In this matter or just generally?

12 A In general.

13 Q Okay. And for what reason?

14 A I felt like (b)(6), (b)(7)(C) was trying to get involved too much
15 in the Congressional Affairs business, that I didn't think
16 that was part of (b)(6), (b)(7)(C)'s job description. And it would make it
17 confusing in general, like if we're dealing with staffers and
18 then (b)(6), (b)(7)(C) reaches out to the staffers. You know, not just on
19 this issue but on other issues.

20 You know, even on cases that were about
21 whistleblowers the staffers have our contact information and
22 we've tried, you know, in the IG instruction it says that
23 components are supposed to go through OCCL.

24 And I know (b)(6), (b)(7)(C) as well but, you
25 know, the Congressional Affairs tries to keep all of the

(b) (6), (b) (7)(C)- 8/19/13

1 congressional activity within our group so that we're aware
2 of everything because we have a database where we report
3 things. And then if he gets inquiries he didn't even always
4 share them with us.

5 Q Did (b)(6)&(7)(C) ever indicate to you that (b)(6)&(7)(C) provided a
6 draft of this, did (b) (6), (b) (7)(C) ever indicate to you that (b)(6)&(7)(C)
7 provided a draft report, a copy of this draft report to
8 anyone on the Hill?

9 A No (b)(6)&(7)(C) ever told me that.

10 Q Would it surprise you if that were the case?

11 A (No audible response.)

12 Q Let me rephrase the question. So did (b)(6)&(7)(C) you
13 mentioned that (b)(6)&(7)(C) had had some discussions with was it (b) (6), (b) (7)(C)
14 or with Hill staff? (b)(6)&(7)(C) kind of inserted (b)(6)&(7)(C) you said,
15 right?

16 A In general. But (b)(6)&(7)(C) had reached out to (b) (6), (b) (7)(C) to ask
17 (b) (6), (b) (7)(C) if (b)(6)&(7)(C) wanted a briefing on this review. And as far as
18 I knew (b) (6), (b) (7)(C) wasn't even involved in liaisioning this review
19 because it wasn't a whistleblower case.

20 Q So as time went on and this report continued to
21 progress through the IG did (b)(6)&(7)(C) stay involved in it?

22 A I don't think (b)(6)&(7)(C) was at the SSCI and SASC meetings,
23 so as far as I was aware, you know, kind of after (b)(6)&(7)(C)
24 outreach to (b) (6), (b) (7)(C) didn't see (b)(6)&(7)(C) having any other role with
25 the report.

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(b) (6), (b) (7)(C)- 8/19/13

1 Q I did see on some e-mail traffic (b) (6), (b) (7)(C) was cc'd (b) (6), (b) (7)(C)
2 was cc'd. That continued on, and I believe through the month
3 of December and possibly even later. Certainly through all
4 of December and possibly into January.

5 A Is that when (b) (6), (b) (7)(C) was reaching out to (b) (6), (b) (7)(C)

6 Q Yeah. Yeah, and during that we have some of the e-
7 mails where there was discussion with a bunch of you all on
8 it. So I guess given everything you saw did you ever get the
9 suggestion that (b) (6), (b) (7)(C) had provided this report to the Hill?

10 A No.

11 Q Okay.

12 A I was really surprised when this report leaked. I
13 didn't know anybody had sent it out, so.

14 BY SA (b) (6), (b) (7)(C)

15 Q Was (b) (6), (b) (7)(C) surprised?

16 A I didn't talk to (b) (6), (b) (7)(C) about it.

17 BY SA (b) (6), (b) (7)(C)

18 Q The individuals that work at POGO that wrote the
19 article, Adam Zagorin and David Hilzenrath are the two
20 authors' names. Do those names mean anything to you?

21 A Not to me, no.

22 Q Okay. Do you know where (b) (6), (b) (7)(C) went to
23 work? I understand (b) (6), (b) (7)(C) left the Hill.

24 A Yeah. I don't know where (b) (6), (b) (7)(C) went to. And I almost
25 thought, because at the meeting that we had with (b) (6), (b) (7)(C) was

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(b) (6), (b) (7)(C)- 8/19/13

1 like very kind of in the face of, you know, SESSs. And I
2 didn't know if that had some bearing on (b)(6)&(7)(C) departure but I
3 found out later that it was, I guess (b)(6)&(7)(C) had had similar
4 behavior at a meeting with somebody else that is what led to
5 (b)(6)&(7)(C) (b)(6), (b)(7)(C) But I don't know where
6 (b)(6)&(7)(C) went to.

7 Q And so what was (b)(6)&(7)(C) complaint at the meeting? Was
8 that meeting specifically about this Zero Dark Thirty report?

9 A Right. Well, it's before the report was issued so
10 we were, you know, we had briefed them. It was an interim
11 briefing, not on the final report, but where we were at at a
12 stage in time. And since we had already briefed the
13 responses to the questions to Chairman King's staff we shared
14 with them that same information. And (b)(6)&(7)(C) just wanted more
15 information than we were, you know, at liberty to provide,
16 so.

17 Q Do you recall the date? And I know you have the
18 notes, which we'll get from you. Do you recall the date of
19 that meeting?

20 A I don't. I don't have a good feel for when it was.

21 Q Okay. That would presumably be in your notes,
22 though, you think?

23 A Yeah. Yeah, it definitely will.

24 Q Did you get the sense that (b)(6)&(7)(C) had already seen it?
25 Like looking back on it do you think (b)(6)&(7)(C) may have seen the

(b) (6), (b) (7)(C)- 8/19/13

1 report at that point, given (b)(6)&(7)(C) questions or (b)(6)&(7)(C) concerns?

2 A I don't remember thinking that.

3 Q Okay.

4 BY SA (b)(6)&(7)(C)

5 Q Was he provided a rough draft of the report by

6 (b) (6), (b) (7)(C) ?

7 A I don't think (b) (6), (b) (7)(C) would have had any dealings
8 with (b) (6), (b) (7)(C)

9 Q No, I'm talking about (b) (6), (b) (7)(C)

10 A Oh. I don't know who, I mean. We were e-mailing
11 around the draft within OCCL so, I mean, I don't know who. I
12 could have, I mean, anybody could have given it to (b)(6)&(7)(C) I
13 don't know who would have.

14 Q So (b)(6)&(7)(C) did have access to that?

15 A Yeah, I'm sure (b)(6)&(7)(C) did have access to the report.
16 Yeah.

17 BY SA (b)(6)&(7)(C)

18 Q Did (b)(6)&(7)(C) ever discuss the contents of the report with
19 you?

20 A No.

21 Q Okay. What about --

22 A Not that I can recall. Sometimes we had these
23 staff meetings that would go too in-depth on individual
24 matters and it could have been discussed at a staff meeting.
25 I probably said no too quickly. I mean, not (b)(6)&(7)(C) and I

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(b) (6), (b) (7)(C)- 8/19/13

1 specifically but maybe a larger group area, you know. It
2 could have been just, you know, "Oh, you know, we're really
3 late in getting this report out," or that kind of thing. But
4 not, you know.

5 I wasn't as involved in reviewing the report. Like
6 (b) (6), (b) (7)(C) was very, you know, (b) (6) & (7)(C) went through and
7 provided comments and suggestions and stuff like that. So (b) (6) & (7)(C)
8 did a much closer review of the report than I did. So I
9 wasn't as involved in, you know, discussing concerns about
10 the report because I wasn't kind of taking the lead on it
11 even though like I filled back. (b) (6), (b) (7)(C) and I kind of went
12 back and forth because (b) (6) & (7)(C) had (b) (6), (b) (7)(C) because of (b) (6) & (7)(C)
13 (b) (6) & (7)(C)

14 Q In terms of the interaction with the Hill was that,
15 aside from what we discussed with (b) (6), (b) (7)(C) between you and
16 (b) (6), (b) (7)(C) who was covering most of the Hill interactions?

17 A I think I did both the meetings with the SSCI and
18 SASC and I did, I think we maybe split the Chairman King
19 meetings. (b) (6) & (7)(C) probably did maybe the first one and then I was
20 backfilling (b) (6) & (7)(C) you know, (b) (6) & (7)(C)
21 (b) (6) & (7)(C)

22 Q Was Mr. Crane at the meeting with (b) (6), (b) (7)(C) where (b) (6) & (7)(C)
23 was getting, where (b) (6), (b) (7)(C) was kind of combative?

24 A I can't recall. I was almost thinking it was maybe
25 even after John left, but I don't have a good feel for when

(b) (6), (b) (7)(C)- 8/19/13

1 that was.

2 BY SA (b)(6)&(7)(C)

3 Q Now, you say all these meetings were documented?

4 A Yeah. Yeah.

5 Q And you have all the documents?

6 A Right.

7 Q Okay. You'll get those to us, right?

8 A Mm-hmm. Yes.

9 BY SA (b)(6)&(7)(C)

10 Q Have you spoken to Mr. Crane about either the,
11 about anything about this since it was released to POGO?

12 A No, I haven't.

13 Q Since it appeared on the POGO website?

14 A No. No.

15 Q Okay. Do you know if Mr. Crane and (b) (6), (b) (7)(C) have
16 talked about this report at all at any point?

17 A I wouldn't have any idea.

18 Q Okay.

19 A Because John left in January and the report didn't
20 come out until --

21 Q I think it was on the POGO website in June.

22 A June, yeah, something like that. Yeah.

23 Q What about back, I'm sorry I'm jumping around in
24 terms of time frame here. But going back into the December
25 time frame were Mr. Crane and (b)(6)&(7)(C) having meetings or

1 discussions about this report?

2 A I think it came up in discussions. I don't know if
3 they had separate meetings on it, you know. But, you know,
4 sometimes too we would say, I don't know if we had it in our
5 (inaudible) but we would go over some of the high visibility
6 projects and, you know, if things were not kind of on time
7 frame for when we had promised their release.

8 So I think, you know, there were general
9 discussions about the report. You know, just that we kept
10 saying it was going to be coming out and then it was falling
11 behind, so.

12 BY SA (b)(6)&(7)(C)

13 Q Here's a question. If that draft was released in a
14 December time frame is there any reason why they would have
15 waited until June to publish that?

16 A I don't know.

17 Q No?

18 A There's nothing I can think of. Yeah, because I
19 think, I'm not sure when we had the meetings with SSCI and
20 HPSCI. I think it was maybe in the spring sometime. Because
21 we were trying to time the release first because of the movie
22 premiere. Like originally I think ISPA thought that they
23 were going to be able to get the report out before the movie
24 premiere and then that didn't happen. So then we kept
25 getting calls from Chairman King's staff kind of, you know,

(b) (6), (b) (7)(C)- 8/19/13

1 asking for updates of when it was coming out.

2 BY SA (b)(6)&(7)(C)

3 Q Do you know (b)(6), (b)(7)(C) the SSCI?

4 A It was definitely after we briefed them on the
5 ongoing review. I think maybe a month or so after that.

6 Q Okay.

7 A Not too long after we had had the meeting, I don't
8 think.

9 Q Would there be something in your notes that you
10 would maybe be able to refer to to get a ballpark date?

11 A I can try to see, yeah, if I have anything, if I
12 have any e-mail on it or something.

13 Q Okay, that would be great. And then just a couple
14 of questions just to make sure we're clear. So Mr. Ives, I
15 believe, was the DIG, acting DIG in ISPA at the time that
16 this was all happening. Did he ever indicate that he would
17 authorize a draft of this report to be issued to anyone,
18 including the Hill?

19 A I don't, there was no discussion that I recall of
20 having the draft, I mean, having the report go final without
21 being issued a draft. That's one thing. But we never talked
22 about providing a copy of a, I mean, we just don't do copies
23 of reports to the Hill that are not final.

24 Q Sure. The reason I ask the question is the
25 instruction that we're referring to, the Congressional

1 Affairs instruction says that only under limited
2 circumstances if the DIG of the component that owns the
3 report expressly authorized it or if the IG authorized it. So
4 did --

5 A I think the only time that we've ever done that is
6 like if there's a legislative, like if there's some pending,
7 you know, the staff has some pending legislation or something
8 like that. That, you know, we have an ongoing report that
9 would impact that. And I don't even think we would give them
10 the report as much as maybe give them a briefing on findings
11 or something like that. But I've never seen that we've
12 shared a draft report.

13 Q And would (b)(6)&(7)(C) be aware of that?

14 A That we don't share draft reports?

15 Q Yes.

16 A Yeah. I mean (b)(6), (b)(7)(C) isn't Congressional Affairs but
17 I would imagine that (b)(6)&(7)(C) would know that policy because, I
18 mean, it was just, it's just something we would never think
19 to do.

20 Q Okay. And then a similar question. Did Ms.
21 Halbrooks ever, was there any indication that Ms. Halbrooks
22 authorized the release of this from, you know, sitting in,
23 since you sit in Congressional Affairs that's why I'm asking
24 you the question.

25 A Yeah. No. No.

(b) (6), (b) (7)(C)- 8/19/13

1 Q Okay. Okay.

2 BY SA (b)(6)&(7)(C)

3 Q And if they had this is something you would have
4 known?

5 A If, so if the front office wanted the report to be
6 issued they would have went ahead and made it a final report.
7 There's no reason to issue a, to share with the Hill a draft
8 report because if they were, you know, at the stage where it
9 was to be shared with the Hill they would have gone ahead.

10 Q And this is something that you would have known
11 because they would have told you, is that correct?

12 A Well, I mean, they don't tell me everything but I
13 would expect to have known that. I mean, yeah, there's a
14 chance they could make a decision and not tell me, I guess.

15 BY SA (b)(6)&(7)(C)

16 Q On this matter did Mr. Crane meet with any folks on
17 the Hill without you?

18 A Not that I can think of, no.

19 Q And other than the discussions we had, we already
20 spoke about between (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) do you know if
21 (b)(6), (b)(7)(C) went over to the Hill and met with anyone on this or had
22 other contacts?

23 A I can't imagine so, because (b)(6)&(7)(C) wasn't the subject
24 matter expert on it. You know, because we would only take,
25 you know, the subject matter experts to the Hill to kind of

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(b) (6), (b) (7)(C)- 8/19/13

1 brief on their review. So I'm sure that if (b)(6)&(7)(C) was going up
2 to the Hill with somebody from ISPA I would imagine that I
3 would have known about that.

4 Q Okay. Okay.

5 BY SA (b)(6)&(7)(C)

6 Q Also, do you have (b) (6), (b) (7)(C) communications
7 information?

8 A Where (b)(6)&(7)(C) is now?

9 Q Right, where (b)(6)&(7)(C) at, phone number.

10 A (b) (6), (b) (7)(C) would have that. I don't have it.

11 BY SA (b)(6)&(7)(C)

12 Q Do you know, switching gears slightly, anyone at
13 POGO named Angela Canterbury? Does that name --

14 A I've heard of her. I think she may have done a
15 briefing with the SIGI at some point. You know, we
16 occasionally deal with POGO so I think maybe on a different
17 request or something like that. She may have been involved
18 with the Drake request. I'm not for certain on that.

19 Q Do you know the WPEA, I think that's the
20 Whistleblower Protection Enhancement Act, I believe. Does
21 that, are you familiar at all with when that passed?

22 A Yeah, that was, I think it was in the 2013. I
23 think it was a stand-alone law.

24 Q Okay. In December do you know if POGO held a
25 celebration for that?

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(b) (6), (b) (7)(C)- 8/19/13

1 A It sounds vaguely familiar.

2 Q So you didn't attend it?

3 A Oh, no.

4 Q Okay. Do you know anyone, do you know if anyone
5 from the OIG did?

6 A I would imagine if they had a celebration of that
7 law being enacted they could definitely have invited (b) (6), (b) (7)(C)
8 (b) (6), (b) (7)(C) to that.

9 Q Okay.

10 A I mean (b) (6) & (7)(C) had, you know (b) (6) & (7)(C) was certainly the
11 person in the OIG with the most contact with, you know, POGO
12 and GAP and those entities as the (b) (6) & (7)(C)

13 (b) (6) & (7)(C)

14 Q Do you know if Mr. Crane went to that?

15 A I don't know.

16 Q Okay.

17 A Maybe, did they give (b) (6), (b) (7)(C) some special -- there was
18 something where (b) (6) & (7)(C) got some special recognition but I don't
19 know if it was in regards to that or if there was something
20 else.

21 Q POGO gave (b) (6) & (7)(C) recognition or --

22 A No, somebody gave (b) (6) & (7)(C) something. I don't know.

23 BY SA (b) (6) & (7)(C)

24 Q Was it (inaudible)?

25 A I just remember at a staff meeting Mr. Crane had

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(b) (6), (b) (7)(C)- 8/19/13

1 made mention to him being recognized, but I don't know if it
2 was by like a POGO or a GAP or something else. There was
3 some recognition for (b)(6)&(7)(C) in terms of outreach and stuff, I
4 guess. But it might not have been POGO. I don't know who it
5 was.

6 Q Let's see. I think that's it.

7 A Okay.

8 SA (b)(6)&(7)(C) Okay. All right. Do you have
9 anything else to add along the, anything that we didn't ask
10 you that we should have?

11 THE WITNESS: No, nothing I can think of.

12 SA (b)(6)&(7)(C) Okay.

13 THE WITNESS: So I'll try to get you, I'll get you
14 copies of the meeting minutes from the SSCI and SASC
15 briefings and I'll see if I have anything in my e-mail about
16 where (b)(6), (b)(7)(C) was no longer with the SSCI.

17 SA (b)(6)&(7)(C) Okay. And if you know, if you have
18 anything that would indicate where (b)(6)&(7)(C) is now.

19 THE WITNESS: Where (b)(6)&(7)(C) went to, yeah.

20 SA (b)(6)&(7)(C) That would be great.

21 THE WITNESS: Okay.

22 SA (b)(6)&(7)(C) Do you know anyone who would know
23 where (b)(6)&(7)(C) went now?

24 THE WITNESS: (b) (6), (b) (7)(C) (b)(6)&(7)(C)

25 (b)(6)&(7)(C) but I

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(b) (6), (b) (7)(C)- 8/19/13

1 don't know if (b)(6)&(7)(C) still does. (b) (6), (b) (7)(C)
2 SA (b)(6)&(7)(C) : Okay.
3 THE WITNESS: (b)(6)&(7)(C) not with OIG anymore.
4 SA (b)(6)&(7)(C) Okay.
5 THE WITNESS: But I can ask (b)(6)&(7)(C) knows.
6 SA (b)(6)&(7)(C) Okay. All right.
7 THE WITNESS: Because I think I had asked (b)(6)&(7)(C)
8 (b)(6)&(7)(C) who is a current SSCI staffer, and (b)(6)&(7)(C) wasn't sure.
9 This was, you know, a couple months ago.
10 SA (b)(6)&(7)(C) Okay, great.
11 SA (b)(6)&(7)(C) Okay. Other than administrative
12 matters have we discussed anything relating to this
13 investigation that's not a part of this tape-recorded
14 interview?
15 THE WITNESS: No.
16 SA (b)(6)&(7)(C) Have we made any promises or
17 representations to you that are not a part of this tape-
18 recorded interview?
19 THE WITNESS: No.
20 SA (b)(6)&(7)(C) Do you have any comment regarding the
21 manner in which we conducted this interview today?
22 THE WITNESS: No.
23 SA (b)(6)&(7)(C) This is an official inquiry. You are
24 under no obligation to disclose the nature of this interview
25 to others, including supervisors. Please do not discuss this

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(b) (6), (b) (7)(C)- 8/19/13

1 inquiry or the questions, answers or discussions included in
2 this interview with anyone in order to avoid hindering our
3 further efforts.

4 I recommend that if anyone asks you about this
5 interview you may say, "I'm not at liberty to discuss what we
6 talked about." This does not apply to or restrict your
7 ability to contact an IG, your attorney, or a member of
8 Congress.

9 Do you have any questions concerning this
10 advisement?

11 THE WITNESS: No.

12 SA (b)(6)&(7)(C) Okay. And the time is 2:34 and that
13 concludes this interview.

14 (The interview was concluded at 2:34 p.m.)

15 * * * * *

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DIGITAL TRANSCRIPTION

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Wednesday, August 7, 2013

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1 P R O C E E D I N G S

2 SA (b) (6), (b) (7)(C) Okay. All right. Good morning.

3 MR. IVES: Good morning.

4 SA (b) (6), (b) (7)(C) The time is 8:30 a.m. and today's date

5 -- this is the 7th of August, 2013. My name is (b)(6)&(7)(C)

6 I'm a special agent with the Office of Professional

7 Responsibility. Present with me today is also (b)(6)&(7)(C)

8 (b) (6), (b) (7)(C) with OPR, also a special agent, and we're here

9 conducting an interview of -- can you identify yourself?

10 MR. IVES: Sure. James Ives.

11 SA (b)(6)&(7)(C): Okay. And can you spell your last

12 name?

13 MR. IVES: I-v-e-s.

14 SA (b) (6), (b) (7)(C) Okay. Thank you, sir.

15 MR. IVES: Sure.

16 SA (b) (6), (b) (7)(C) Before going further, please raise your

17 hand so that I may swear you in.

18 MR. IVES: Sure.

19 Whereupon,

20 JAMES IVES

21 was called as a witness and, having been first duly sworn,

22 was examined and testified as follows:

23 SA (b) (6), (b) (7)(C) All right. Thank you, sir.

24 EXAMINATION

25 BY SA (b) (6), (b) (7)(C)

1 Q Now, we'll need you to acknowledge that you are
2 being recorded for this --

3 A Sure.

4 Q -- interview.

5 A I acknowledge that I'm being recorded and I'm fine
6 with that.

7 Q Okay. And to begin, can you just give us your full
8 name once again and --

9 A Uh-huh.

10 Q -- your job description.

11 A Right. James Richard Ives. Currently I serve as
12 the Assistant Inspector General for Investigative Operations
13 here at DoD-IG.

14 Q Okay. And how long have you been in that position,
15 sir?

16 A I've been in that position around three-and-a-half
17 years, I believe.

18 Q Okay. And what was the start date, if you can
19 recall?

20 A I -- boy, 2000 and -- 2009 and I believe it was
21 August and I could not give you greater specificity --

22 Q Okay.

23 A -- than that and that's an estimate. So --

24 Q Okay. No problem. Let's jump into the heart of
25 this matter here.

1 A Sure. Uh-huh.

2 Q Do you know what the Project on Government
3 Oversight is?

4 A I certainly do. Right.

5 Q Okay. And what is your understanding of that?

6 A It's an independent, nongovernment institution that
7 essentially -- you know, it's a situation whereby they report
8 to the public regarding issues --

9 Q Uh-huh.

10 A -- involving oversight of the government,
11 transparency within government, et cetera. Public --

12 Q Okay.

13 A -- or it's a private, I should say, institution.

14 Q Uh-huh.

15 A It's not a public, government-sponsored
16 institution. They have a -- you know, a pretty aggressive
17 web-based presence. I'm aware of that fact.

18 Q Okay. Can we characterize, if you understand it
19 this way, as a nonpartisan, independent watchdog group?

20 A Yeah. I think that's how they characterize
21 themselves, so --

22 Q Okay.

23 A -- yeah.

24 Q Do you know the names of any POGO, we'll call them,
25 employees?

1 A No, I don't. The only direct contact with POGO
2 that I've ever had, if you can even deem it to be direct
3 contact, is I recall at one point a POGO rep presenting at
4 some OIG sponsored event, but I've never had any direct
5 interaction other than that and that was just a participant
6 in the audience. So --

7 Q Okay.

8 A -- I couldn't give you the names of --

9 Q Okay.

10 A -- any POGO employee.

11 Q So no one that you can name at this time that you -
12 -

13 A No.

14 Q -- had direct contact with?

15 A No.

16 Q Is that correct? Okay. And have you had any
17 discussions with any others -- with any other DoD-IG
18 employees about POGO?

19 A Discussions regarding POGO? Well, for a period of
20 time, as you're aware, I served as the acting deputy of Intel
21 and Special Programs Assessments.

22 Q Uh-huh.

23 A So there's been discussions particularly, you know
24 -- as you're aware, POGO published a report that that group
25 is working on. Subsequent to the publication of the report,

1 there were discussions regarding the fact that they did that,
2 that they published an IG report, actually a draft IG report,
3 but --

4 Q Uh-huh.

5 A -- prior to that, I don't recall any specific
6 discussions regarding POGO.

7 Q And what was the date of that discussion you're
8 talking about?

9 A Oh, boy. After -- and again, I'm not -- I can't
10 really recall the dates, to be honest with you --

11 Q Uh-huh.

12 A -- but it was soon after POGO published the report
13 on the website and the discussions were along the lines of
14 POGO published the report on the website and we were
15 discussing the impact upon the assessments --

16 Q Uh-huh.

17 A -- with Ms. Halbrooks and such. I had already
18 moved back to my primary position at that point.

19 Q Uh-huh.

20 A I do recall that. And so I was -- although, you
21 know, I engaged in some conversations, I wasn't the head of
22 the --

23 Q Uh-huh.

24 A -- component at that point, so it was more in
25 passing than anything.

1 Q Okay. So what year was that?

2 A That was this year. Yeah. Yeah.

3 Q Okay. And around what month?

4 A Oh, boy. It was shortly after the report --

5 Q Uh-huh.

6 A -- was published.

7 Q And the report you're talking about is?

8 A The ISPA draft report regarding a review done at

9 the request of Representative King, so -- and it was a few

10 months ago. I can't recall the -- it's kind of a blur as far

11 as specific --

12 Q No.

13 A -- dates go, but it was within the last several

14 months.

15 Q Okay. Maybe this will help you out.

16 A Yeah. I think --

17 Q Are you aware of a DoD draft report about

18 accommodations being made with Hollywood filmmakers --

19 A Yes.

20 Q -- relative to the Bin Laden raid?

21 A Absolutely. Yes.

22 Q Okay. And is that the report, sir?

23 A That appears to be the report, correct. Yes.

24 Q All right.

25 A Yeah.

1 Q And did you read that report all the way through?

2 A Oh, yes, absolutely. In fact, again, my name is in
3 the signature block of this report. It's an -- it was a
4 draft report, obviously.

5 Q Uh-huh.

6 A And --

7 Q And is that the draft we're talking about?

8 A Yes, it is.

9 Q Okay.

10 A Let me just browse through it to confirm that, but
11 it -- on the face, it appears to be.

12 Q Uh-huh.

13 A Yeah, this appears to be the draft report --

14 Q Uh-huh.

15 A -- published by POGO.

16 Q There's a little stamp at the bottom of each page
17 in that report. Was that part of the draft or did someone
18 else put that there?

19 A The stamp that says "This is a draft report"?

20 Q Right.

21 A I don't recall, to be honest with you.

22 Q Okay.

23 A I don't -- I've reviewed, when I was serving in
24 ISPA, many versions of this.

25 Q Uh-huh.

1 A I don't specifically recall that stamp being on the
2 versions I reviewed --

3 Q Uh-huh.

4 A -- and I don't believe the ISPA component reps
5 traditionally place that stamp on --

6 Q Uh-huh.

7 A -- reports, but I might be mistaken. I --

8 Q Okay. When was the last time you saw that report?

9 A The last time I saw this report was in an
10 electronic version and it was obviously published on the POGO
11 --

12 Q Uh-huh.

13 A -- website. My initial -- initially my attention
14 was brought to it by, I believe, a copy of a report that was
15 included -- a media report that was included in the DoD-IG
16 Morning Report --

17 Q Uh-huh.

18 A -- and that was the first time that I -- it was
19 brought to my attention that POGO had published it.

20 Q Uh-huh.

21 A And then --

22 Q So when was that, sir?

23 A That's -- that's, again, a good question.

24 Q Right.

25 A It was a day or two after POGO published the report

1 a few months back. Yeah.

2 Q Okay. A few months back --

3 A It seems like it was a few months back, but it may
4 have been longer. I lose track of time.

5 Q That was this year?

6 A It was this year, yes, sir.

7 Q And this is August. So we're talking about, what,
8 the beginning of the summer, something like that?

9 A I left ISPA in March and I would say it was
10 sometime this summer. Yeah. Yeah. Yeah.

11 Q Okay. And the first time you saw it was when you
12 were with --

13 A When I was working in ISPA --

14 Q Okay.

15 A -- which was from July of 2000 -- well, I was at
16 ISPA through March of this year and I think -- I believe I
17 started there --

18 Q Uh-huh.

19 A -- the previous July. So --

20 Q Okay. Were you involved with the drafting of the
21 report?

22 A Yeah. Yeah, absolutely I was --

23 Q Okay.

24 A -- I was involved in the drafting --

25 Q Uh-huh.

1 A -- of the report. There were, as I mentioned,
2 several iterations of the report over time.

3 Q Did you make edits?

4 A Certainly, yep.

5 Q And as far as the handling, was that like a day-to-
6 day thing as far as --

7 A I didn't handle it on a day-to-day basis. What
8 would happen is I would review a version --

9 Q Uh-huh.

10 A -- provide some comments, send it back to the
11 action officers for, you know, potential revision or
12 consideration of revisions.

13 Q Uh-huh.

14 A And it -- there was a back and forth, but it
15 probably wasn't daily. It was -- you know, there were
16 periods where they'd be working on it. There were periods
17 where I would be taking a look at it, et cetera.

18 Q Did you make any copies of the report?

19 A No, I don't recall making any copies. I would
20 receive edits and such via --

21 Q Uh-huh.

22 A -- email primarily.

23 Q Uh-huh.

24 A I -- everyone within the component recognized the
25 fact this was a pretty sensitive report.

- 1 Q Uh-huh.
- 2 A Not classified, per se, but sensitive. So when I
- 3 worked on the report, it was within ISPA's office space --
- 4 Q Okay.
- 5 A -- whether it's on a computer or, you know, making
- 6 notes on a hardcopy, but I don't recall making copies.
- 7 Q Okay. Of part or whole?
- 8 A No. No. Most of the time I do my work on the
- 9 computer, so there's really not a need to make --
- 10 Q Now, did you provide any part of the draft report
- 11 to anyone?
- 12 A Within DoD-IG, yes, we provided copies of the draft
- 13 report --
- 14 Q Uh-huh.
- 15 A -- to Office of Communications and Congressional
- 16 Liaison to review --
- 17 Q Uh-huh.
- 18 A -- as well as Office of Counsel for review.
- 19 Q Okay. When you say "we," was that you?
- 20 A It wasn't me. I mean I would be aware of the fact
- 21 that drafts are being shared with them, but --
- 22 Q Okay.
- 23 A -- I wouldn't be handing them drafts. It was
- 24 traditionally --
- 25 Q Uh-huh.

1 A -- you know, a function of the team that was
2 working on the report.

3 Q The reason I say that is we're going to talk to
4 others, but we have to find out what each individual --

5 A Sure. No, that's fine.

6 Q Did you --

7 A No, I did not hand them copies of the report and I
8 don't recall sending them copies of the report either. I
9 would most likely ask to make sure, for example --

10 Q Okay.

11 A -- that OGC has got a copy of the report or --

12 Q Okay.

13 A -- OCCL.

14 Q Did you email any part of the draft to anyone?

15 A I don't recall emailing parts of the draft except
16 back and forth to the team members.

17 Q Uh-huh.

18 A I -- again, I may be mistaken, but typically if we
19 were going to send copies of drafts to components such as
20 OCCL or OGC, I typically ask --

21 Q Uh-huh.

22 A -- (b) (6), (b) (7)(C) or (b) (6), (b) (7)(C) or one of the team
23 members to send them a draft or get them a copy of the draft
24 whether in a hardcopy version or electronic version.

25 Q Can you check to see whether you have --

1 A Sure. Yeah.

2 Q -- done that? Okay.

3 A I can do that.

4 Q And do you have a personal email account?

5 A Yes, I do. Ready for that?

6 Q Yes, go right ahead.

7 A Okay. It's (b)(6)&(7)(C)

8 (b)(6)&(7)(C)

9 Q Okay. Other than the reasons we've already

10 discussed, is there any reason your email accounts would show

11 that you had access to the report, your home email?

12 A Oh, my home email accounts?

13 Q Yeah.

14 A Absolutely not. There should --

15 Q Okay.

16 A -- be no reason whatsoever.

17 Q Okay, but your work email, it may be there, it may

18 not, but you're going to check on that --

19 A Yeah.

20 Q -- as far as sending it to other folks?

21 A It will be in my email account certainly --

22 Q Uh-huh.

23 A -- because various iterations of the report were --

24 my work email account to clarify -- because that's how we

25 sent the --

1 Q Uh-huh.

2 A -- report back and forth, but, no, I don't recall

3 an instant where I had a need to send that to my personal

4 account.

5 Q Okay. Now, outside of DoD-IG --

6 A Right.

7 Q -- regarding the draft report or any elements of it

8 --

9 A Right.

10 Q -- have you discussed that with anyone or --

11 A No.

12 Q -- shared that with anyone?

13 A No. Aside from a couple of briefs we gave to

14 Chairman King's staff throughout the course of the --

15 Q Uh-huh.

16 A -- the review and those were very generic --

17 Q Okay.

18 A -- briefs, so no. No, other than that --

19 Q Okay.

20 A -- I don't recall discussing it with anyone outside

21 of --

22 Q And was that you we're talking about?

23 A It was me in conjunction with the team and I

24 believe --

25 Q Okay.

1 A -- while I was at Intel and Special Programs
2 Assessment, we briefed Chairman King's staff --

3 Q Uh-huh.

4 A -- twice, I believe.

5 Q Uh-huh.

6 A I'd have to go back to my notes to confirm that,
7 and at the latter stages, we also briefed, I believe, the
8 Senate Armed Services Committee --

9 Q Uh-huh.

10 A -- and the House -- I believe it's the House Intel
11 Committee. Again, very generic briefs.

12 Q Uh-huh.

13 A We didn't provide them copies of the report. So --

14 Q Okay. And as far as access to the report itself --

15 A Uh-huh.

16 Q -- who do you know that had access to it in
17 general?

18 A Okay. In general, all members of the team --

19 Q Uh-huh.

20 A -- that were actually working the project certainly
21 had --

22 Q Uh-huh.

23 A -- access to the report. I --

24 Q Do you have a list of them --

25 A (b) (6), (b) (7)(C) Do I have a list?

1 Q Yeah. If you have a list, you can share that list.
2 A Yeah. Yeah. Yeah. I'll give you that.
3 Q We'll get that list later.
4 A Yeah, it'd probably be more --
5 Q Okay.
6 A -- accurate if I'd give you a list.
7 Q Okay.
8 A So members of the team, there are probably, I don't
9 know, five, six members of the team. Their supervisory chain
10 --
11 Q Uh-huh.
12 A -- had access. It's not a, you know, huge chain,
13 (b) (6), (b) (7)(C) me, (b)(6)&(7)(C) They
14 all had access to include myself.
15 Q Okay.
16 A Certain individuals within Office of Communications
17 and Congressional Liaison had access to the report. They
18 received what some could argue to be too early a copy of the
19 report --
20 Q Uh-huh.
21 A -- because there was some confusion I believe at
22 some point regarding how close we were to releasing the
23 report.
24 Q Uh-huh.
25 A OCCL will always receive a copy, but it probably,

1 hindsight being 20/20, should've been a little bit later
2 once, you know, the versions had become, you know, worked
3 through a little bit --

4 Q Now --

5 A -- more.

6 Q -- did anyone ever come to you with some concerns
7 about the report or its content?

8 A Yeah. Well, concerns, yeah, I mean in conjunction
9 with the review process. OCC -- excuse me. Office of
10 General Counsel was -- I want to say continuously, but that
11 may be exaggerating. They were providing input throughout
12 the entire process.

13 Q Now, I don't want to keep you here this long, so --

14 A Uh-huh.

15 Q -- let me have the name of the person and maybe
16 their specific concern.

17 A (b) (6), (b) (7)(C) from OGC was providing input regarding
18 the report content --

19 Q Uh-huh.

20 A -- periodically. John Crane from OCCL received, as
21 I mentioned, a copy of the report and --

22 Q And his concern was?

23 A His concern -- we sat down at -- and I can go back
24 to my calendar and look at the date, but we sat down with --
25 John, Henry Shelley from Office of General Counsel, and I sat

1 down at one point. His concern, as I recall, was that the
2 report wasn't ready for publication and --

3 Q Uh-huh.

4 A -- I indicated that is true, that --

5 Q Uh-huh.

6 A -- the report is not ready for publication.

7 Q Uh-huh.

8 A In fact, I believe at that point I haven't -- I had
9 not even attempted to do edits on the report.

10 Q Uh-huh.

11 A Specifically I recall him commenting that there was
12 extraneous information in the report that didn't go directly
13 to --

14 Q Uh-huh.

15 A -- King's questions.

16 Q Now, did anyone ever come to you with a concern
17 that they thought it was ready to go out the door?

18 A Staff members -- well, I wouldn't say that they
19 were that specific. Certain staff members of (b) (6), (b) (7)(C) team, I
20 believe, were anxious to get the report out the door.

21 Q Names?

22 A Boy, I'm having a hard time recalling the names,
23 period.

24 Q Uh-huh.

25 A (b) (6), (b) (7)(C) I can't remember the name of the evaluator

1 on the team who was kind of the lead.

2 Q Uh-huh.

3 A (b) (6), (b) (7)(C) And this evaluator -- I can get back to you
4 with the name --

5 Q Okay.

6 A -- but the concerns were more along the lines of,
7 you know, "We put a lot of work into this report and it's --
8 we believe it's a good effort" --

9 Q Uh-huh.

10 A -- "on our part, so we need to" --

11 Q Uh-huh.

12 A -- "to get it done" --

13 Q Yeah.

14 A -- get the project done, get it out, et cetera.

15 Q We'll get back to you on those names.

16 A Yeah.

17 Q We'll need those.

18 A Yeah. Yeah.

19 Q Now, is there any reason your email accounts would
20 reveal that you shared the draft report with anyone outside
21 of DoD-IG?

22 A Certainly not, no.

23 BY SA (b) (6), (b) (7)(C)

24 Q And actually, before we go on any further, so --

25 A Yeah.

1 Q -- so, Jim, you've read the POGO article --

2 A Yeah.

3 Q -- regarding this?

4 A Uh-huh.

5 Q And are you familiar with kind of the concerns that
6 it highlighted?

7 A Yeah.

8 Q Did those concerns coincide with any concerns here
9 at the OIG that any folks here had?

10 A The gist of the POGO article, as I recall,
11 referenced the potential for political influence and such.

12 Q Uh-huh.

13 A And that was absolutely not the case, I can tell
14 you. Any "delays" in putting out this report were simply a
15 matter of individuals within this organization recognizing
16 the fact this is a critical report and we have to be accurate
17 and we have to answer the questions.

18 SA (b) (6), (b) (7)(C) Uh-huh.

19 THE WITNESS: And we also had various concerns
20 regarding the fact that to do a thorough review of this
21 matter, (b)(7)(E)

22 (b)(7)(E) It was a complicated
23 project and it was treated as such. It was, you know,
24 subject to review as it should be.

25 So I actually was a little angry when I read the

1 POGO report because I know the individuals at the senior
2 levels who were involved in this review were making a
3 concerted effort to ensure there was no political influence,
4 that there --

5 SA (b) (6), (b) (7)(C) Uh-huh.

6 THE WITNESS: -- was nothing but a focus on, you
7 know, producing an accurate report. So I wasn't surprised
8 because I've read a lot of those types of --

9 SA (b) (6), (b) (7)(C) Uh-huh.

10 THE WITNESS: -- reports where they try to draw
11 these conclusions based upon the fact that there's delays and
12 such, but, you know, it bothered me from the standpoint that
13 I'm proud of the fact that there was an effort --

14 SA (b) (6), (b) (7)(C) Uh-huh.

15 THE WITNESS: -- not to go down that road. So
16 that's my take on the POGO report.

17 SA (b) (6), (b) (7)(C) Uh-huh.

18 SA (b) (6), (b) (7)(C) : Okay.

19 THE WITNESS: So --

20 BY SA (b) (6), (b) (7)(C)

21 Q Now, these questions might seem a little pointed
22 here, but --

23 A Yeah.

24 Q -- we're not trying to --

25 A No, no, no. That's -- you ask me whatever you need

1 to ask me.

2 Q Okay.

3 A I'm fine.

4 Q Is there any reason your email account should show
5 that you had communication with an @pogo.org?

6 A No.

7 Q Okay. Is there any reason that any of the
8 multifunction machines in your office would reveal the draft
9 report in its memory?

10 A Oh, that's a good question. By multi, you mean --

11 Q Like the printers, multi --

12 A -- scanners, printers?

13 Q Uh-huh.

14 A I don't know. That's a possibility, I guess. The
15 draft report was not classified, so it's possible that
16 someone could've made copies on those machines certainly.

17 Q Now, are you aware of any misconduct associated
18 with the draft report?

19 A Misconduct within DoD-IG by our employees?

20 Q Anybody --

21 A I don't --

22 Q -- anywhere.

23 A Well, I mean the report was looking at potential
24 misconduct, so I'm just trying to clarify what the --

25 Q Well --

1 A -- I don't know of anyone within the IG that --
2 yeah, you might have to explain.

3 Q Okay.

4 BY SA (b) (6), (b) (7)(C)

5 Q Do you know who released the draft outside --

6 A No.

7 Q -- the --

8 A No, I do not know who released the draft.

9 SA (b) (6), (b) (7)(C) Okay.

10 THE WITNESS: I don't know, to be honest with you,
11 whether the draft was released by someone within DoD-IG or
12 not.

13 The one other thing I forgot to mention is at one
14 point the draft report was sent to a component within the
15 Department, one of the security offices within the
16 Department, for a classification review.

17 SA (b) (6), (b) (7)(C) Uh-huh.

18 THE WITNESS: So that is the one exception as far
19 as it going outside of DoD-IG and the congressional
20 committees and such that I talked about.

21 SA (b) (6), (b) (7)(C) Okay.

22 BY SA (b) (6), (b) (7)(C)

23 Q And do you know who that was that actually
24 delivered that or --

25 A No. It's a security office within the Department,

1 and the acronym's escaping me right now, but that they
2 utilize, as I understand it, on a regular basis to provide an
3 assessment --

4 Q Uh-huh.

5 A -- the classification assessment.

6 Q Okay.

7 A They're not original classifiers, obviously, within
8 this building. So that's, as I understand it, kind of par
9 for the course when they're doing these reviews.

10 Q Now, were you authorized by anyone to release the
11 draft report or any elements of it?

12 A No. No.

13 Q Are you aware of an unauthorized release that you
14 know of, someone --

15 A I'm aware of the fact that POGO somehow got a hold
16 of this draft report. So, you know, I would deem that to be
17 an unauthorized release --

18 Q Uh-huh.

19 A -- from the standpoint that it's a draft DoD-IG
20 report that I, as the head of the component at that time,
21 wasn't authorized to release. So --

22 Q So would it be fair to say that you didn't release
23 it to POGO?

24 A Yes, absolutely.

25 Q Would it be fair --

1 A Fair to say that.

2 Q -- say that you don't know anyone that does?

3 A No. I do not know who provided that report to
4 POGO; that's accurate.

5 Q And this might coincide with those questions, but -

6 -

7 A Sure.

8 Q -- do you know how it ended up there?

9 A Do I know how it ended up at POGO? No.

10 Q Okay.

11 A I don't.

12 Q All right. And the last question, do you have
13 knowledge of anyone who discussed the draft with someone at
14 POGO --

15 A No.

16 Q -- a third party?

17 A No, I don't.

18 Q Okay. Now, is there any questions that we might've
19 missed that you want to --

20 A No. I mean as I mentioned to (b) (6), (b) (7)(C) when I came in
21 --

22 Q Uh-huh.

23 A -- I wasn't aware of this review until you gave me
24 a call --

25 Q Uh-huh.

1 A -- but I'm glad you're looking at it --
2 Q Okay.
3 A -- because the thought that someone within DoD-IG
4 may have released it, although I don't have --
5 Q Uh-huh.
6 A -- any details nor do I truly have any specific
7 reason to believe that occurred --
8 Q Okay.
9 A -- it's pretty disturbing and --
10 Q Uh-huh.
11 A -- when I heard about that, obviously you begin
12 speculating as to what may have happened and the thought of
13 someone doing that angers me.
14 Q Uh-huh.
15 A I think whoever -- if someone within the IG did
16 that, they did a great disservice to the Department's IG. I
17 mean it's a -- you know, it was a working draft and --
18 Q Uh-huh.
19 A -- as you know, it wasn't at the point where it
20 should've been released and --
21 Q Uh-huh.
22 A -- that's what in my opinion led to the speculation
23 on the part of POGO --
24 Q Uh-huh.
25 A -- that there was some sort of nefarious --

1 Q Uh-huh.

2 A -- intent behind this, which was absolutely not the
3 case and --

4 Q Okay.

5 A -- I stand by that statement. There was no one
6 within this organization that was of the opinion, "Oh, we
7 have to control the timing of this because of political
8 concerns," or such. So --

9 Q Uh-huh. Okay.

10 SA (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

11 SA (b) (6), (b) (7)(C) Nope.

12 BY SA (b) (6), (b) (7)(C)

13 Q Okay. Let us read you out here.

14 A Okay.

15 Q Other than the administrative matters, have we
16 discussed anything relating to this investigation that is not
17 part of this tape recorded interview?

18 A No. No.

19 Q Have we made any promises or representations to you
20 that are not a part of this tape recorded interview?

21 A No.

22 Q Do you have any comment regarding the manner in
23 which we conducted this interview?

24 A No. I always find you --

25 Q Did we treat you okay?

1 A -- to be very professional. Yes. I would expect
2 nothing less.

3 Q Okay. This is an official inquiry. You are under
4 no obligation to discuss the nature of the interview to
5 others, including supervisors. Please do not discuss this
6 inquiry or the questions, answers or discussions included in
7 this interview with anyone in order to avoid hindering our
8 further efforts. I recommend that if anyone asks you about
9 this interview, you may say, "I am not at liberty to discuss
10 what we talked about." This does not apply to or restrict
11 your ability to contact an IG, your attorney or a member of a
12 congress.

13 Do you have any questions concerning that
14 advisement, sir?

15 A No, I do not.

16 Q This concludes this interview and the time is 8:55.

17 A Okay.

18 Q Okay.

19 (The interview was concluded at 8:55 a.m.)

20 * * * * *

21

22

23

24

25

7

(b)(6), (b)(7)(C)

OIG DoD

From: (b)(6), (b)(7)(C) OIG DoD
Sent: Friday, November 16, 2012 8:14 AM
To: (b)(6), (b)(7)(C) OIG DoD
Cc: (b)(6), (b)(7)(C) OIG DoD
Subject: FW: comm package: Inquiry into Release of Department of Defense Information to the Media
Attachments: Talking_Points_UBL docx (4).docx; UNCLASS_King_UBL_Report.pdf

(b)(6), (b)(7)(C)

Attached are the latest talking points that need to go into the package you have with the report.

Thanks,

(b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C) OIG DoD
Sent: Tuesday, November 13, 2012 1:34 PM
To: (b)(6), (b)(7)(C) OIG DoD; (b)(6), (b)(7)(C) OIG DoD
Cc: (b)(6), (b)(7)(C) OIG DoD
Subject: RE: comm package: Inquiry into Release of Department of Defense Information to the Media

(b)(6), (b)(7)(C)

Attached is the UNCLASSIFIED report and the updated talking points.

Some questions on my end:

- Are these talking points for internal use, or are you planning on distributing them outside of the OIG?
- How in-depth do these need to be?

Also a major point, at this time this report has not yet been signed by our DIG yet and has not been approved for release by the PDIG.

Thanks,

(b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C) OIG DoD
Sent: Tuesday, November 13, 2012 10:12 AM
To: (b)(6), (b)(7)(C) OIG DoD
Cc: (b)(6), (b)(7)(C) OIG DoD
Subject: RE: comm package: Inquiry into Release of Department of Defense Information to the Media

Thank you (b)(6), (b)(7)(C)

I have attached my draft with edits and a few additional questions/suggestions. I may have more depending on the draft report.

Let me know if you need any clarifications, I was just making assumptions/guesses on a few comments.

(b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C) OIG DoD
Sent: Tuesday, November 13, 2012 10:10 AM
To: (b)(6), (b)(7)(C) OIG DoD
Cc: (b)(6), (b)(7)(C) OIG DoD
Subject: RE: comm package: Inquiry into Release of Department of Defense Information to the Media

(b)(6), (b)(7)(C)

Please contact (b)(6), (b)(7)(C) regarding a copy of the draft report. Also, when you have a draft communications package, we would be happy to review with you.

Thanks,

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

Office of the Deputy Inspector General
for Intelligence and Special Program Assessments
Department of Defense
703-699-(b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C) OIG DoD
Sent: Friday, November 09, 2012 1:02 PM
To: (b)(6), (b)(7)(C) OIG DoD
Cc: (b)(6), (b)(7)(C) OIG DoD
Subject: RE: comm package: Inquiry into Release of Department of Defense Information to the Media

(b)(6), (b)(7)(C) am including (b)(6), (b)(7)(C) for this report on this email, (b)(6), (b)(7)(C) along with (b)(6), (b)(7)(C) are out today and will return on Tuesday, (b)(6), (b)(7)(C) will contact you then to arrange a discussion of this matter.

(b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C) OIG DoD
Sent: Friday, November 09, 2012 11:32 AM
To: (b)(6), (b)(7)(C) OIG DoD; (b)(6), (b)(7)(C) OIG DoD
Cc: (b)(6), (b)(7)(C) OIG DoD
Subject: comm package: Inquiry into Release of Department of Defense Information to the Media

(b)(6), (b)(7)(C)

I am working on the communications package for the "Inquiry into Release of Department of Defense Information to the Media" report. Is there a draft of the report (or at least the RIB) that I could view to familiarize myself with the content and write additional questions the media may ask?

Thank you,

(b)(6), (b)(7)(C)

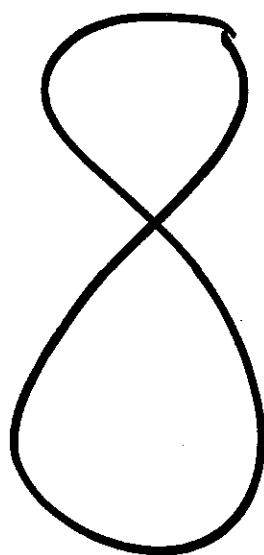
(b)(6), (b)(7)(D) Public Affairs

Department of Defense

Office of the Inspector General

(b)(6), (b)(7)(C) @dodig.mil

703-699-~~99~~(b)(6), (b)(7)(C)



(b)(6), (b)(7)(C)

OIG DoD

From: Crane, John R., SES, OIG DoD
Sent: Thursday, December 06, 2012 1:59 PM
To: (b)(6), (b)(7)(C) @DODIG.MIL
Subject: FW: Digits of King/UBL Report
Attachments: UNCLASS_Report.pdf; FOUO_Report.pdf

FYI Attached is the draft report of phase I of our efforts. Phase I responds to the questions from Chairman King. I made edits last week. I am sure the Intelligence staffs will be interested when it is released. With a SEFDEF memo this is getting close to final.

From: (b)(6), (b)(7)(C) OIG DoD
Sent: Thursday, December 06, 2012 1:49 PM
To: Crane, John R., SES, OIG DoD (b)(6), (b)(7)(C) OIG DoD
Subject: FW: Digits of King/UBL Report

FYI

Thanks,

(b)(6), (b)(7)(C)
Congressional Liaison
Office of the Inspector General
Department of Defense
(703) 604-6044 (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)@dodig.mil

From: (b)(6), (b)(7)(C) OIG DoD
Sent: Thursday, December 06, 2012 12:53 PM
To: (b)(6), (b)(7)(C) OIG DoD; (b)(6), (b)(7)(C) OIG DoD
Cc: (b)(6), (b)(7)(C) OIG DoD
Subject: Digits of King/UBL Report

(b)(6), (b)(7)(C)

Just so you have them on digits as well in case you would like to refer back to them. Also I wanted to confirm these incorporate the Joint Staff's OCA and NSA's OCA reviews as well as (b)(6)&(7)(C) legal thoughts on the FOUO portion markings.

Cheers,

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C), (b)(5)

9

From: (b) (6), (b) (7)(C) OIG DoD
Sent: Friday, December 07, 2012 10:31 AM
To: Crane, John R., SES, OIG DoD
Subject: RE: Digits of King/UBL Report
Signed By: (b) (6), (b) (7)(C)@dodig.mil

This has to be some of the worse writing I have ever seen; it seems written to obscure . . .

(b) (6), (b) (7)(C)

(b)(6)&(7)(C)
Office of the Inspector General
U.S. Department of Defense
4800 Mark Center Drive, Suite (b) (6), (b) (7)(C)
Alexandria, VA 22350-1500

(b) (6), (b) (7)(C)@dodig.mil
Tele: (703) 604 (b) (6), (b) (7)(C)
Facs: (703) 602 (b) (6), (b) (7)(C)

"Advancing Whistleblowing & Transparency in the Cause of the Nation's Defense."

From: Crane, John R., SES, OIG DoD
Sent: Thursday, December 06, 2012 1:59 PM
To: (b) (6), (b) (7)(C) OIG DoD
Subject: FW: Digits of King/UBL Report

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From: (b) (6), (b) (7)(C) OIG DoD
Sent: Thursday, December 06, 2012 1:49 PM
To: Crane, John R., SES, OIG DoD; (b) (6), (b) (7)(C) OIG DoD
Subject: FW: Digits of King/UBL Report

FYI

Thanks,
(b) (6), (b) (7)(C)
Congressional Liaison
Office of the Inspector General
Department of Defense
(703) 604 (b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)@dodig.mil

From: (b) (6), (b) (7)(C) OIG DoD
Sent: Thursday, December 06, 2012 12:53 PM
To: (b) (6), (b) (7)(C) OIG DoD; (b) (6), (b) (7)(C) OIG DoD
Cc: (b) (6), (b) (7)(C) OIG DoD
Subject: Digits of King/UBL Report

(b) (6), (b) (7)(C)

Just so you have them on digits as well in case you would like to refer back to them. Also I wanted to confirm these incorporate the Joint Staff's OCA and NSA's OCA reviews as well as (b) (6), (b) (7)(C) legal thoughts on the FOUO portion markings.

Cheers,

(b) (6), (b) (7)(C)

DEPARTMENT OF DEFENSE
OFFICE OF INSPECTOR GENERAL

ASSISTANT INSPECTOR GENERAL
FOR THE OFFICE OF PROFESSIONAL RESPONSIBILITY

DIGITAL TRANSCRIPTION

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X - - - - -X
:
:
: TELEPHONIC INTERVIEW
:
: OF
:
: (b)(6)&(7)(C)
:
:
X - - - - -X
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Thursday, September 5, 2013

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Diversified Reporting Services, Inc.
1101 Sixteenth Street, N.W., Second Floor
Washington, DC 20036
(202) 467-9200

1 P R O C E E D I N G S

2 SPECIAL AGENT (b)(6)&(7)(C) All right. Good afternoon.

3 The time is 7 minutes after 3. Today's date is September

4 the 5th, 2013. My name is Special Agent (b)(6)&(7)(C) I'm

5 with DCIS assigned to the Office of Professional

6 Responsibility. Present with me today is the (b)(6)&(7)(C)

7 (b)(6)&(7)(C) This is a teleconference

8 interview and it's the interview of -- can you state your

9 name and spell your last name please? And that's you (b)(6)&(7)(C)

10 (b)(6)&(7)(C)

11 THE WITNESS: My name is (b)(6)&(7)(C) last name

12 is (b)(6)&(7)(C)

13 SPECIAL AGENT (b)(6)&(7)(C) And your (b)(6)&(7)(C)

14 (b)(6)&(7)(C)

15 THE WITNESS: (b)(6)&(7)(C)

16 SPECIAL AGENT SMALLS: Okay. Before we go any

17 further, I'm going to swear you in.

18 Whereupon,

19 (b)(6)&(7)(C)

20 was called as a witness and, having been first duly sworn,

21 was examined and testified as follows:

22 SPECIAL AGENT (b)(6)&(7)(C) Okay. Thank you. And I
23 also need you to confirm that you are aware we're recording
24 this conversation.

25 THE WITNESS: Yes.

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EXAMINATION

BY SPECIAL AGENT (b)(6)&(7)(C)

Q Okay. Now, for a little bit of background information, can you tell us your place of employment now and your previous place of employment, and your previous job description and your current job description?

A Yes, I am currently (b)(6)&(7)(C)

(b)(6)&(7)(C)

Q Okay. Well, congratulations on that.

A Thank you.

Q And when (b)(6)&(7)(C) how long were you in that position?

A I started in (b)(6)&(7)(C) and I stopped early (b)(6)&(7)(C)
(b)(6)&(7)(C)

Q And your specific duties (b)(6)&(7)(C) with the DoD-IG were what?

A Um. Most of what I did was probably related to the (b)(6)&(7)(C) I would

1 also assist with (b)(6), (b)(7)(C)
2 (b)(6), (b)(7)(C) with [inaudible]
3 (b)(6), (b)(7)(C) as well.

4 Q And let's get to the heart of the matter. Are you
5 aware or do you know what the project on government oversight
6 is?

7 A Yes.

8 Q Can you tell us your impression or what you believe
9 that to be?

10 A My impressions are of POGO, as they go by, they're
11 non-government, basically a watchdog organization. They like
12 to keep tabs on what's going on in the government and sort of
13 rally for support for more oversight.

14 Q And do you know any of the names of any of the
15 people at POGO, their employees?

16 A I think I met them at an event once, but I don't
17 know them or know what their names are at this point.

18 Q Well, tell us the last time you had contact with
19 someone from POGO.

20 A Um. I believe it was at the Newseum in Washington,
21 D.C. They were having a Freedom of Information Day. It was
22 for the anniversary of the FOIA Act. I believe they had
23 several people from their staff there who I was shaking hands
24 with. I don't really recall, but I think that's probably the
25 last time I met anyone face to face.

1 BY SPECIAL AGENT (b)(6)&(7)(C)

2 Q If I may, were you there while you were (b)(6)&(7)(C)

3 (b)(6)&(7)(C)

4 A Yes, I went with (b)(6)&(7)(C) as part of a
5 workday event.

6 Q Was anyone else from the Office of IG there that
7 day with you guys?

8 A No, we were the only two from the DoD IG.

9 SPECIAL AGENT (b)(6)&(7)(C) Okay. Thank you.

10 BY SPECIAL AGENT (b)(6)&(7)(C)

11 Q And what was that date again that you went to that
12 affair?

13 A Um. It was in April. I am not sure what the
14 actual date was.

15 Q Now, have you had any discussions with other DoD IG
16 employees about POGO?

17 A Um. I do not believe so, other than what they were
18 when the other task I would work on is the morning report,
19 and so most of my experience with POGO was finding articles
20 that they had written about DoD IG and putting that into the
21 morning report, so any discussion I had with all of you
22 related to a specific article that POGO had written.

23 Q Now, are you aware of a DoD IG draft report about
24 accommodations being made with Hollywood filmmakers relative
25 to the Bin Laden raid?

1 A Yes, I have seen that report.

2 Q Now, what was your involvement with that report?

3 A I was asked to help with the Q and A portion and
4 the media package, the media package that goes along with the
5 report. So I made a copy of the draft report and was asked
6 for help, and didn't come up with any additional questions
7 for the Q and A and the media package for the report.

8 Q Now, who made that request of you?

9 A I am not sure. I believe it may have been an
10 instance where (b)(6)&(7)(C) was not in town and someone
11 asked me to have a look at it. I did have e-mails back and
12 forth with one of the people who was actually writing the
13 report. Again, I'm not sure who it was. I just remember
14 looking at it. I came up with something to edit and sent it
15 back to them, and I don't think I heard anything back again.

16 Q Okay. We'll get to a couple of names that might
17 refresh your memory, but tell us when you first had access to
18 that draft report.

19 A It would have been several months ago. It was
20 definitely in 2013, probably between February and April. I'm
21 trying to remember. I remember definitely this year, but I
22 couldn't tell you this month.

23 Q Now, did you have access to any of the draft
24 reports before 2013?

25 A I did not know. If I did it was still like a meet

1 your clients or I just looked at the immediate package and
2 not an actual draft report. I was certainly aware of it, but
3 I don't think we really started working on it until it became
4 close to being a final product.

5 Q Now, we're going to get around to a couple of e-
6 mails that might help with your memory on that, but do you
7 recall we last had access to that draft report?

8 A I would think that it would probably have been in
9 March, April.

10 Q Now, did you make copies of the report or any parts
11 of the report?

12 A No. I don't think I ever printed it out. I made
13 any comments and changes on the report and e-mailed it back.

14 Q Have you provided anyone with part or the whole
15 draft report?

16 A No.

17 Q Have you e-mailed any part of the draft report to
18 anyone?

19 A No one other than the person who authored the
20 report who I was sending it back to.

21 SPECIAL AGENT (b)(6)&(7)(C) Okay. Now, (b)(6)&(7)(C) did you
22 have something?

23 SPECIAL AGENT (b)(6)&(7)(C) Yeah. Who was that
24 individual?

25 THE WITNESS: I am not sure of the person's name.

1 There's no one at the IG who I ever met fact to face. I
2 remember getting an e-mail request from.

3 SPECIAL AGENT (b)(6)&(7)(C) Okay. I have a couple of e-
4 mails here, some that you sent, and I'll read them to you and
5 maybe just to help you out. I know it was a long time ago.
6 So, all right. Now, this one e-mail, which was drafted by
7 you on the 20th of November 2012, and it was from you to (b)(6)&(7)(C)
8 (b)(6)&(7)(C) and cc'd to (b)(6)&(7)(C)

9 And it says, (b)(6)&(7)(C) I got back a revision from
10 (b)(6)&(7)(C) on my initial edit. There are some grammar
11 discrepancies. (b)(6)&(7)(C) wants to capitalize words like Chairman,
12 but I think it looks okay. I am reviewing a draft of the
13 actual report, now, to see if there are any additions
14 necessary. I've attached my original draft along with (b)(6)&(7)(C)
15 revision." Now, as an attachment, there are talking points,
16 and this says "UBL," and docs, and it's "TalkingPoints UBL
17 Draft 2." Does that help you?

18 A Yes, I guess that was the timeframe that I was
19 referring to. I think someone through (b)(6)&(7)(C) sent the
20 report probably to (b)(6)&(7)(C) and I think that's probably how it
21 came to me from (b)(6)&(7)(C) And I looked to (b)(6)&(7)(C) very briefly for
22 grammar and then I look at it for the talking points in the Q
23 and A. So, yeah. That's why I remember that.

24 Q Now, even earlier than that on November 13, 2012,
25 this is an e-mail from you to (b)(6)&(7)(C) Do

1 you know (b)(6)&(7)(C)

2 A (b)(6)&(7)(C)

3 Q Yeah. (b)(6)&(7)(C) -- you call (b)(6)&(7)(C) You call (b)(6)&(7)(C)
4 (b)(6)&(7)(C) in your e-mail. Does that help?

5 A I don't remember (b)(6)&(7)(C) That must have been
6 someone who was out by the [inaudible](b)(6), (b)(7)(C)

7 Q Okay. Well, let me read it to you. Maybe that'll
8 help.

9 A Okay.

10 Q Now, the e-mail came from you. The date was
11 November the 13th, 2012, and it's to (b)(6)&(7)(C)
12 and it's cc'd to (b)(6)&(7)(C) and (b)(6)&(7)(C) All right?
13 And in the e-mail you say "Thank you, (b)(6)&(7)(C) I have attached
14 my draft with edits and a few additional questions,
15 suggestions. I may have more depending on the draft report.
16 Let me know if you need any clarification. I was just
17 making assumptions, guesses on a few comments. (b)(6)&(7)(C) All
18 right?

19 A Correct.

20 Q And the subject was communication packets, inquiry
21 into release of Department of Defense Information to the
22 Media. Does that ring any bell?

23 A Yes. Yes, that would've been the original task
24 before I sent it to (b)(6)&(7)(C) When I sent it to (b)(6)&(7)(C), you
25 know, I don't think (b)(6)&(7)(C) was UC'd in the e-mail you just read,

1 and (b)(6)&(7)(C) wanted to know what I had told them. So, basically,
2 it was the same draft that I had done previously. The first
3 e-mail you read was me sending the same thing to (b)(6)&(7)(C)
4 It's to one of my supervisors to see what I had done for
5 (b)(6)&(7)(C)

6 I don't believe I ever met (b)(6)&(7)(C) in person.
7 This was just an e-mail conversation. I think (b)(6)&(7)(C) was
8 the one who maybe originally requested that I assist with it,
9 which is why I cc'd (b)(6)&(7)(C) And when (b)(6)&(7)(C) was out of town at
10 that time, I think (b)(6)&(7)(C) was my acting supervisor, which is
11 probably why (b)(6)&(7)(C) was cc'd.

12 Q Hm-hmm. So you talked to (b)(6)&(7)(C) relative to the
13 report. Correct?

14 A Yes.

15 Q Okay. And we'll get back to that. I just want to
16 read you another e-mail, and this was on the 9th, so it's
17 dates previous to the other two. And it's from you on
18 November the 9th, 2012, to (b)(6)&(7)(C) and (b)(6)&(7)(C)
19 And you cc'd (b)(6)&(7)(C) in this one also.

20 A Correct.

21 Q The substance was the same as the others, and you
22 say, (b)(6)&(7)(C) I'm working on the communications
23 package for the inquiry into the release of Department of
24 Defense information to the media report. Is there a draft of
25 the report or that I could view to familiarize myself with

1 the content and write additional questions to me they may
2 ask."

3 A Yes.

4 Q You recall that, or do you?

5 A Yes, yes, and at that point they had just sent me a
6 communications package, but I had no idea what the report was
7 about. I couldn't actually come up with any answers to any
8 questions about the report, so I requested to see the draft.

9 Q Okay. And they sent you a copy of the draft?

10 A Yes.

11 Q Okay. Now was that the first time you received a
12 copy of the draft?

13 A I believe so.

14 Q Okay. Now, taking a step back, you mentioned (b)(6)&(7)(C)
15 (b)(6)&(7)(C) Did (b)(6)&(7)(C) request you to send (b)(6)&(7)(C) a copy of the draft?

16 A I do not believe (b)(6)&(7)(C) specifically requested a copy
17 of the draft. (b)(6)&(7)(C) just requested that I cc (b)(6)&(7)(C) in
18 conversations I was having with them.

19 Q Now, did (b)(6)&(7)(C) receive a copy of the draft from you by
20 that means?

21 A No. I only -- I (b)(6)&(7)(C) received a copy of the draft
22 through the cc's, it's awful, but I don't remember if I was
23 sending the draft back or just the communication package and
24 my attachment. I'm not sure what was actually in my
25 attachment. I did not provide (b)(6)&(7)(C) on a one on one basis with

1 the report.

2 Q Okay. Well, in the e-mail from November the 20th,
3 (b)(6)&(7)(C)s cc'd there and there are two attachments.

4 A Okay. And one indicates UBL Draft 2.

5 Q Okay. Would that have been the draft that you sent
6 both (b)(6)&(7)(C)

7 A Yes.

8 Q Okay. So you did send (b)(6)&(7)(C) a copy of the draft in
9 other words?

10 A Yes.

11 Q Okay. And did you and (b)(6)&(7)(C) have any discussion
12 about that draft afterwards?

13 A No. I don't believe it, but I think (b)(6)&(7)(C) just told
14 me that we discussed a communications package for it. Not
15 really to report the communications package was really my
16 task. You know, (b)(6)&(7)(C) told me it was -- you know -- basically
17 I was just kind of doing it for accountability purposes. (b)(6)&(7)(C)
18 perceived that I had done it and I think that's the only
19 interaction we had about it. We didn't discuss it or
20 anything.

21 Q Okay. And, further, on that particular topic, that
22 was on the 20th that you sent this draft or you indicated in
23 your e-mail as an attachment was the draft. But there is an
24 e-mail that went out that indicated -- and they were talking
25 about you. I won't give you the names on the e-mail, but

1 they said it's odd that (b)(6)&(7)(C) didn't send you the draft and
2 they're talking about (b)(6)&(7)(C) that you didn't send (b)(6)&(7)(C) the
3 draft with your edits as (b)(6)&(7)(C) knows that it is the process
4 when I'm not around. Do you know anything about that?

5 A (b)(6)&(7)(C) said it was odd that I did or that I did not?

6 Q That you did not.

7 A Um. For the communications package, I worked on
8 several communication packages. Usually what I would do,
9 (b)(6)&(7)(C) would send it to me. If there was a draft report at
10 that point (b)(6)&(7)(C) would give the draft report and I would look
11 at all that. I would make any edits and then I would send
12 the communications package back to (b)(6)&(7)(C) You know. If it was
13 a catch to the draft report, and it would be the document and
14 usually the communications package was separately. So that's
15 how I would normally do things, and I'm not really sure of
16 too much other than that, and I worked on a lot of these. So
17 it's kind of hard to distinguish one from another in my head.

18 Q So I think the point is that when (b)(6)&(7)(C) was
19 not around, you were saying that (b)(6)&(7)(C) was your immediate
20 supervisor?

21 A During that time period, yes, before (b)(6)&(7)(C)
22 was hired. Either (b)(6)&(7)(C) or (b)(6)&(7)(C) would be my
23 immediate supervisor and that person who was (b)(6)&(7)(C) tax
24 backup changed quite a few times during my tenure there. So
25 (b)(6)&(7)(C) was the backup for that time period. So I would usually

1 [inaudible] (b)(6)&(7)(C) as I would (b)(6)&(7)(C)

2 Q Okay. And (b)(6)&(7)(C) was the one that suggested
3 that you cc (b)(6)&(7)(C) on any of the issues relative to this draft
4 report or everything?

5 A Everything -- not just the draft report. Anytime I
6 was e-mailing anyone outside of OCCL, I usually would cc (b)(6)&(7)(C)
7 or (b)(6)&(7)(C) depending on who's there.

8 Q And when I asked you the question earlier
9 concerning you having discussion with (b)(6)&(7)(C) about this
10 draft, what was the nature of those discussions?

11 A As I recall, it was just discussion of what have
12 you done for the communications package so far, and I would
13 say this is how long it would take. I don't think we
14 discussed any thing, specifically, in the report, just more a
15 timeline of my editing task.

16 Q Now, did (b)(6)&(7)(C) say (b)(6)&(7)(C) had received a copy of the draft
17 that you sent?

18 A I do not recall that being discussed.

19 Q Did (b)(6)&(7)(C) have any comments relative to the contents
20 within the draft?

21 A I do not think so as I recall.

22 Q You did the edits. Correct?

23 A I did put some editing into our changes. I never
24 received a response back from the report team. So I don't
25 know if anything I did was actually implemented, but that's

1 what I provided them with.

2 Q Did (b)(6)&(7)(C) or anybody else comment to you relative
3 to the edits you have completed?

4 A No.

5 Q Now, did you e-mail this draft to anyone else?

6 A No.

7 Q Do you have a personal e-mail account?

8 A I do.

9 Q Now, other than reasons we already discussed, is
10 there any reason your e-mail accounts would show that you had
11 access to the report?

12 A Not.

13 Q Now, you said you received that report by e-mail.
14 Is that correct?

15 A Yes.

16 Q And you forwarded it to some people. Correct?

17 A Yes.

18 Q Which included (b)(6)&(7)(C) correct?

19 A Yes.

20 Q Did you forward it to a Mr. Crane?

21 A It's possible, if I was [inaudible] to you or from
22 (b)(6)&(7)(C) and (b)(6)&(7)(C) and Mr. Crane were pretty
23 much my three levels of supervisor at that time. So
24 oftentimes all three of them would be cc'd on e-mail if one
25 was, so I couldn't tell you specifically that I remember; but

1 it would not be unlikely for all three of them to have
2 received it.

3 Q Did you know the names of everyone who had access
4 to the report?

5 A No.

6 Q Have you talked with anyone outside of DoD-IG
7 regarding the draft report?

8 A No.

9 Q Neighbors, family, anyone?

10 A No.

11 Q Okay. And the names of the people that you
12 personally know had access to the report are?

13 A (b)(6)&(7)(C) and possibly Mr.
14 Crane.

15 Q Anyone else?

16 A Not that I'm aware of.

17 Q How about (b)(6)&(7)(C)

18 A Well, yes, I think (b)(6)&(7)(C) was on the team that was
19 working on the report. So (b)(6)&(7)(C)

20 Q Okay. And that's who you received the report from.
21 Is that correct?

22 A That's correct.

23 Q Now, did you read the article that the draft report
24 was a part of, the POGO article?

25 A Yes.

1 Q Okay. And what did you derive from that article?

2 A Um. Well, I believe that article had something
3 from the draft report in it. I don't remember the whole
4 thing. I remember it was around the time of the release of
5 the [inaudible] movie, and it was about the director and
6 whether or not they had a [inaudible] access, I believe was
7 the terminology to the military to complete the movie.

8 Q What was the point of the article?

9 A The point of the article, as I recall, I think it
10 was saying that DoD did not give them a [inaudible] access,
11 that they gave the normal amount of [inaudible] they would to
12 any other movie or art production. If I remember the correct
13 article, there were a lot of articles about the subject.

14 SPECIAL AGENT (b)(6)&(7)(C) One article in
15 particular where the draft report was posted on a POGO
16 article and on their website, and in that article there were
17 some -- the article raised concerns that the IG was delaying
18 the release of the report. Do you remember that particular
19 article?

20 THE WITNESS: Yes. Do you know what timeframe this
21 article came out? That might help me figure out which one
22 we're talking, because it's not the first article POGO wrote
23 about it.

24 SPECIAL AGENT (b)(6)&(7)(C) June the 4th, 2013.

25 THE WITNESS: June the 4th, 20--

1 SPECIAL AGENT (b)(6)&(7)(C) 13.

2 THE WITNESS: 2013. Now, I don't recall that, and
3 I think I may be thinking about a different article. At that
4 point, I had already left the IG and I don't recall reading
5 POGO very frequently after I left.

6 BY SPECIAL AGENT (b)(6)&(7)(C)

7 Q Do you remember while you did work at the IG or
8 after, if you kept in touch with people, did anyone from the
9 IG express to you that the report was being delayed or that
10 it was taking too long, that kind of thing?

11 A I was in the IG. I had, you know, I had heard that
12 the report was ready but it was not being released. I
13 thought this was due to the new -- was it the new director of
14 ISPA coming in or something and wanted to look at it? I
15 wasn't sure, but at the time I reviewed the article for the
16 communications package, you know, the communications package
17 until a report is close to being completed.

18 And so it was thought at the time the report was
19 going to come out, and then it did not, but I don't remember
20 why. You know. The reporters -- it's their belief they
21 exchanged all the [inaudible], so I didn't think it was
22 unusual or heard anyone say anything that it was unusual.

23 Q Did anyone say to you we think the report is ready
24 to go?

25 A No.

1 BY SPECIAL AGENT (b)(6)&(7)(C)

2 Q When you were there, did you have general
3 conversation with any of the people at DoD IG relative to the
4 draft report and it being released?

5 A No. The only person I would have discussed it with
6 would have been (b)(6)&(7)(C) We produced a monthly
7 newsletter and always put their upcoming reports in there
8 when they're planning to release them the next 30 days. So
9 that report was in the pipeline and for whatever reason, we
10 thought it was close to completion. We would usually inquire
11 about it every month when writing the newsletter, so(b)(6)&(7)(C)
12 would tell me when I would have inquired about it with(b)(6)&(7)(C)
13 just to see if it would be something we're printing in the
14 newsletter.

15 Q Did you have access to cell phones of any of the
16 DoD-IG employees?

17 A Of other DoD-IG employees?

18 Q Yes.

19 A No.

20 Q And you did have an e-mail account. Right?

21 A Yes, I --

22 Q Go ahead.

23 A Yes, I had an e-mail account and I had a BlackBerry
24 issued from DoD-IG as well.

25 Q Did you have access to any shared drives?

1 A Yes, but only ones within OCCL. There was an OCCL
2 shared holder and then there was one for public affairs, and
3 those are the ones I had access to.

4 Q Now, is there any reason your e-mail account should
5 reveal that you shared the draft report with anyone outside
6 of DoD-IG?

7 A No.

8 Q Is there any reason your e-mail account should show
9 a communication with an at POGO.org address?

10 A Um. I don't believe so, unless someone contacted
11 me. I also had access to the e-mail. I also had access to
12 public.airs at DoDIG.mil, which is one we use for media
13 inquiries. So I didn't really respond, but I was able to see
14 e-mail that came through there and if it was anything from
15 POGO, it would have come through the public affairs e-mail.
16 I don't think it would have come to my work e-mail.

17 Now, are you aware of any misconduct that might
18 have been associated with that draft report. And what I mean
19 by that is did it go through some type of different process
20 that it normally would have?

21 A I don't believe so. I know that it was delayed,
22 but I don't know of any misconduct associated with the report
23 and that's all.

24 Q Now, I believe you answered this earlier. Has
25 anyone communicated or attempted to communicate with you

1 since you left regarding the draft report?

2 A No.

3 Q Now, your e-mail account, what happened with the e-
4 mails that you generated?

5 A After I left?

6 Q Yeah.

7 A I do not know. I was told when I left that my
8 folders and my e-mails and all those would be kind of put
9 onto like a shared drive or handed over to my boss. I wasn't
10 really sure. (b)(6)&(7)(C) requested that I just clean out all of my
11 folders, my e-mails and all that, unless there's anything
12 that I thought (b)(6)&(7)(C) would need. But I do know that I went
13 through and deleted all of my e-mails and things, because I
14 wouldn't have access to them and (b)(6)&(7)(C) didn't want to have to
15 go through them and organize them. So that's what I did.

16 Q Now, were you authorized by anyone to release the
17 draft report outside of DoD-IG?

18 A No.

19 Q What was your understanding about releasing a draft
20 report?

21 A Oh. Well, draft reports are usually FOUO and are
22 subject to change until the time they're released.
23 [Inaudible] need to know.

24 Q Right. I mean did someone tell you that it's
25 forbidden to release a draft report outside of DoD-IG?

1 A I'm not sure if I was ever explicitly told that,
2 but I definitely believe that.

3 Q You work for (b)(6)&(7)(C) Did (b)(6)&(7)(C) tell you that?

4 A I don't recall specifically being told that. No.

5 Q Did you know (b)(6)&(7)(C) views about release of a draft
6 report?

7 A Did I -- can you repeat the question?

8 Q Did (b)(6)&(7)(C) share (b)(6)&(7)(C) views with you relative to the
9 release of a draft report?

10 A No.

11 Q Now, are you aware of any other unauthorized
12 release of the draft report?

13 A No.

14 Q Now, and you've said this. You didn't provide the
15 draft report or its elements to anyone outside of DoD-IG. Is
16 that correct?

17 A Correct.

18 Q Did you provide the report or elements to anyone at
19 POGO?

20 A No.

21 Q Do you know how this draft report ended up at POGO?

22 A No. And I also believe that when we issue a
23 report, we send it back to whoever we're investigating. And
24 so I don't know what goes on at that end or who sees it,
25 whoever we're investigating. Those are the only people I can

1 think of who would have seen it outside of the IG.

2 Q Okay. And do you have knowledge of anyone who
3 discussed this draft report with someone at POGO?

4 A No.

5 Q Now, earlier, you said you were at a POGO event.
6 Correct?

7 A It was not an event sponsored by POGO. It was an
8 event where POGO had a presence.

9 Q Okay. And you were there with a necessary check.
10 Right?

11 A Correct.

12 Q And that was in the April timeframe, did you say?

13 A I believe so, and it was called, I think, the
14 Freedom of Information Day or the anniversary of the FOIA
15 Act. It was something along those lines.

16 Q Did anyone exchange any documents with anyone from
17 POGO there?

18 A No.

19 Q I know these questions sound kind of pointed, but
20 we've asked everybody the same questions. We're not leaning
21 on you for any particular reason.

22 A Okay.

23 SPECIAL AGENT (b)(6)&(7)(C) Okay. (b)(6)&(7)(C)

24 BY SPECIAL AGENT (b)(6)&(7)(C)

25 Q Just a couple of questions. Do you know if the

1 draft report was provided to anyone on the Hill?

2 A I do not know. I know there were a lot of
3 questions. I believe this report was initially started as a
4 request from a Congressman, but I do not know if the draft
5 report was provided to them.

6 Q Do you recall (b)(6)&(7)(C) having any discussions with
7 Mr. Crane or (b)(6)&(7)(C) or anyone about this report and the
8 Hill, or anything like that?

9 A No. I don't remember there being discussion about
10 the fact there was a delay from when we originally thought it
11 was going to come out, but I don't remember any discussion
12 about release of it to the Hill.

13 Q Who was that discussion with?

14 A It probably would have been between (b)(6)&(7)(C) Mr.
15 Crane or (b)(6)&(7)(C) I don't know if I can recall, but,
16 again, you were always putting the newsletter together and
17 trying to figure out what status report was in and if there
18 was an estimated release date. So they may have been
19 involved in that conversation, because Mr. Crane always
20 reviewed the newsletter. He always had the final edit and I
21 believe (b)(6)&(7)(C) would look at the newsletter sometimes as
22 well. So that's probably the context, what context
23 [inaudible] in which that would have been discussed.

24 Q Did you know this was going to be delayed or it
25 wasn't getting pushed back? Did they seem upset? What was

1 their reaction to it being delayed?

2 A I don't think they were pleased, but I wasn't privy
3 to a conversation, but I got the impression they always want
4 to get a report out, typically in OCCO where the conferences
5 you're asking a lot of question and putting a lot of pressure
6 on you. You want to get the reports out to them as soon as
7 possible.

8 Q And when you say "they," who are you referring to
9 that wasn't pleased?

10 A Mr. Crane, maybe (b)(6)&(7)(C) they were at Congress
11 the most.

12 Q And I guess when they weren't pleased, did they say
13 "We're not pleased?" Or did they say what the consequences
14 were going to be? As much as you can, can you kind of walk
15 us through those discussions?

16 A I can't recall words being part of (b)(6)&(7)(C) calling
17 requesting do you know when this report's going to come out,
18 or something. And they'd be like, "I don't know," and they
19 kind of rolled their eyes or something like that. I don't
20 recall any specific words used, just more of sort of eye-
21 rolling, and so we have another delay, that sort of talk.

22 Q Did they ever talk about any thing like the front
23 office is doing regarding the report?

24 A No.

25 Q Do you know anyone named (b)(6)&(7)(C)

1 A No.

2 Q Is there any committee staff from the Senate Select
3 Committee on Intelligence?

4 A No.

5 Q Okay. All right. I was just looking through my
6 notes. I apologize for a moment here.

7 A (b)(6)&(7)(C) did you keep any notes or any electronic
8 media relative to this subject?

9 Q No. When I left, I either put all of my FOUO
10 information in a burn bag or I put anything unclassified on the
11 [inaudible]. I didn't keep paper records. Everything I did
12 was mostly electronic. I didn't take any electronic things
13 home with me.

14 A And I'm sorry if I missed it, but when did you
15 start DoD-IG?

16 Q I think I started in (b)(6)&(7)(C)

17 (b)(6)&(7)(C) I'm pretty sure it was (b)(6)&(7)(C)

18 A And then you were there until when?

19 Q Early (b)(6)&(7)(C)

20 A Oh. Okay. (b)(6)&(7)(C) Do you remember in
21 the December 2012 timeframe there was a celebration at POGO,
22 or sponsored by POGO I believe, the *Whistleblower Protection*
23 *Enhancement Act*. Do you know anything about that?

24 A No.

25 Q Do you know if any of the OCCL people -- do you

1 know if (b)(6)&(7)(C) met with any POGO people or had any phone
2 conversations or discussions with POGO people?

3 A I am not aware of any.

4 BY SPECIAL AGENT (b)(6)&(7)(C)

5 Q And did (b)(6)&(7)(C) have you forward that draft to
6 anyone?

7 A No.

8 Q Did (b)(6)&(7)(C) tell you that (b)(6)&(7)(C) had?

9 A No.

10 SPECIAL AGENT (b)(6)&(7)(C) And that's about all I have.
11 (b)(6)&(7)(C) you have anything else?

12 BY SPECIAL AGENT (b)(6)&(7)(C)

13 Q No, just one last thing. Did you sit in the OCCL
14 office on the 15th floor or were you in another office?

15 A Both; I started out in the OCCL suite. I did not
16 have a specific office. I could just kind of camp around it
17 wherever there's an MP office. And then it was probably
18 October or November -- I'm not sure which -- when the big
19 contracting team came on to OCCL. I was moved to the 17th
20 floor on the other side, so I was actually in the same suite
21 as (b)(6)&(7)(C) when I left.

22 Q And what month did that happen?

23 A I believe it was either late October or early
24 November. It was fall of 2012 and I remained upstairs until
25 I left (b)(6)&(7)(C)

1 Q And I've never been in that suite. Did you guys
2 all share a cube farm, or what was the setup?

3 A It was mostly a cube farm with four or five,
4 somewhere between three, four, five offices. (b)(6)&(7)(C) had
5 one. (b)(6)&(7)(C) had one. (b)(6)&(7)(C) was there and then (b)(6)&(7)(C) could make
6 them one more office, but it was mostly a cube farm and there
7 was like 30, 40 of us in there, maybe.

8 Q And you said (b)(6)&(7)(C) And who was the second
9 person? Did you say Mr. Crane?

10 A No, Mr. Crane was not in there. (b)(6)&(7)(C) the
11 (b)(6)&(7)(C)

12 Q Oh, sorry.

13 A So (b)(6)&(7)(C) was next to you, next to (b)(6)&(7)(C) and then
14 (b)(6)&(7)(C) -- I can never say (b)(6)&(7)(C) last name -- was in one. And
15 then I think (b)(6)&(7)(C) from FOIA might have been moved over
16 there as well.

17 Q Does (b)(6)&(7)(C) have any involvement in this report?

18 A No (b)(6)&(7)(C) came out late in Spring, so I never had any
19 communications with (b)(6)&(7)(C) about this report.

20 SPECIAL AGENT (b)(6)&(7)(C) : Okay. That's all I
21 have, (b)(6)&(7)(C)

22 SPECIAL AGENT (b)(6)&(7)(C) All right. (b)(6)&(7)(C) I'm
23 going to read you out. Other than administrative matters,
24 have we discussed anything relating to this investigation
25 that is not part of this tape-recorded interview?

1 THE WITNESS: No.

2 SPECIAL AGENT (b)(6)&(7)(C) Have we made any promises or
3 representations to you that are not a part of this tape-
4 recorded interview?

5 THE WITNESS: No.

6 SPECIAL AGENT (b)(6)&(7)(C) Do you have any comment
7 regarding the manner in which we conducted this interview
8 today?

9 THE WITNESS: No.

10 SPECIAL AGENT (b)(6)&(7)(C) In other words, did we treat
11 you okay?

12 THE WITNESS: Yes.

13 SPECIAL AGENT (b)(6)&(7)(C) All right. I know we kept
14 you a little bit later after class. Right?

15 THE WITNESS: I'm not in a hurry to get back.

16 SPECIAL AGENT (b)(6)&(7)(C) Okay. All right. This is
17 an official inquiry. You still work for DoD. Correct?

18 THE WITNESS: Yeah, (b)(6)&(7)(C) at this
19 point, but yes.

20 SPECIAL AGENT (b)(6)&(7)(C) Okay. You are under no
21 obligation to disclose the nature of this interview to
22 others, including supervisors. Please do not discuss this
23 inquiry or the questions, answers or discussions included in
24 this interview with anyone in order to avoid hindering our
25 further efforts.

1 I recommend that if anyone asks you about this
2 interview, you may say I'm not at liberty to discuss what we
3 talked about. This does not apply or restrict your ability
4 to contact an IG, your attorney, or a Member of Congress. Do
5 you have any questions concerning this advisement?

6 THE WITNESS: No, sir.

7 SPECIAL AGENT (b)(6)&(7)(C) Okay. And the time is 10
8 minutes to 4 and that concludes this interview.

9 (The interview was concluded at 3:50 p.m.)

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